

HARPER'S



PRESERVE

2020

Private Streets & Gates Information

www.harperspreserve.com

THE HARPER'S PRESERVE COMMUNITY ASSOCIATION INC. ("HOA") HAS PREPARED THIS COURTESY NOTICE TO PROVIDE SUMMARY OF HELPFUL INFORMATION ABOUT THE COMMUNITY. ADDITIONAL INFORMATION MAY ALSO BE FOUND OR UPDATED PERIODICALLY AT www.harperspreserve.com OR BY CONTACTING THE HOA MANAGEMENT COMPANY.

HOA Private Streets, Gates and Operational Matters

- Private streets and future gated, restricted access entry is managed and maintained by the HOA with resident and visitor access management system. The access system may change over time due to changes in technology.
- All Owners are advised that the gate system may remain open during all or substantial portions of the Development Period and/or community build out period to accommodate homes sales and construction and will remain open and unattended during these stages.
- The Board of Directors ("Board") will have the sole authority, in the Board's sole and exclusive discretion, to determine when the gate systems will be operational, including but not limited to hours of operation and periods when the gate system will remain open.
- The Board will also have the sole authority to determine when and for what periods an attendant may or may not be positioned at the gate house to assist and monitor certain access to the community. An attendant may not be added until there is enough annual revenue in the budget and Owners to economically justify an attendant. If an attendant is stationed at the gatehouse, the gates may remain open during periods of the on-going development and sale of lots and homes.
- Each Owner will be required to provide their information to the HOA management company and to purchase, at each owner's expense, its gate access transmitters or readers from the HOA management company in sufficient quantities to serve its occupants prior to the period that the gates are made operational. Gate access forms can be obtained by contacting LEAD management or downloading form from www.harperspreserve.com, click on the residents tab and scroll down to find the Gate access form.
- Each Owner and its occupants and guests shall be responsible for complying with the regulations (including parking restrictions) concerning private streets. Failure to comply can result in fines and loss of certain privileges.

“3.06.2 Safety Enhancement. The Association may from time to time (but is in no way required or obligated to engage in activities or provide Subdivision Facilities, including activities, devices or services intended to or which may have the effect of enhancing safety, including activities, devices or services limiting or controlling Subdivision access including but not limited to, mechanical system(s) that limit vehicular access to the streets in the Subdivision from public streets (the "Gate System") or providing of patrol services or otherwise monitor activities within the Subdivision (including Community Properties), and may from time to time provide information through newsletters or otherwise regarding same (all such matters and all activities, services or devices of a similar nature or incident thereto herein referred to as, "*Safety Enhancement*"). Without limitation of Section 3.06.1, each Owner and their tenants covenant and agree with respect to any and all Safety Enhancement provided directly or indirectly by the Association as follows:

(a) THE BOARD WILL HAVE THE SOLE AUTHORITY, IN THE BOARD'S SOLE AND EXCLUSIVE DISCRETION, TO DETERMINE WHEN THE GATE SYSTEM WILL BE OPERATIONAL, INCLUDING BUT NOT LIMITED TO HOURS OF OPERATION AND PERIODS WHEN THE GATE SYSTEM WILL REMAIN OPEN. ALL OWNERS ARE ADVISED THAT THE GATE SYSTEM MAY REMAIN OPEN DURING ALL OR A SUBSTANTIAL PORTION OF THE DEVELOPMENT PERIOD AND/OR BUILDOUT OF THE SUBDIVISION.

(b) NEITHER THE DECLARANT NOR THE ASSOCIATION SHALL BE RESPONSIBLE FOR PROVIDING SECURITY TO THE OWNERS OR THEIR FAMILY MEMBERS, GUESTS, INVITEES OR THEIR PROPERTY. THE PURPOSE OF THE GATE SYSTEM SHALL BE TO PROVIDE SOME DEGREE OF CONTROLLED RESTRICTION OF VEHICULAR ACCESS ON THE STREETS LOCATED WITHIN THE SUBDIVISION. NEITHER THE DECLARANT, THE ASSOCIATION NOR ANY OWNER GUARANTEES OR ASSURES ANY OTHER OWNER NOR ANY OTHER PARTY WHOMSOEVER THAT THE GATE SYSTEM WILL IN ANY MANNER WHATSOEVER PROVIDE PERSONAL PROTECTION OR SECURITY TO ANY OWNER, SUCH OWNER'S PERSONAL POSSESSIONS OR MEMBERS, RESIDENTS, GUESTS OR INVITEES, OR TO ANY OTHER PERSON, AND EACH OWNER, BY THE ACCEPTANCE OF ITS DEED, SHALL BE DEEMED TO HAVE ASSUMED THE ENTIRE RISK AS BETWEEN SUCH OWNER AND DECLARANT OR THE ASSOCIATION FOR ANY LOSS OR DAMAGE TO PERSON OR PROPERTY WITHIN THE SUBDIVISION ARISING FROM ANY DEFICIENCY, FAILURE OR DEFECT IN THE GATE SYSTEM OR OTHERWISE.

(c) THE LOCAL POLICE DEPARTMENT AND FIRE DEPARTMENT SHALL HAVE ACCESS TO THE SUBDIVISION FOR LAW ENFORCEMENT AND FIRE PROTECTION PURPOSES. EACH OWNER SHALL LOOK SOLELY TO THE LOCAL POLICE DEPARTMENT AND FIRE DEPARTMENT FOR THE PROVISIONS OF LAW ENFORCEMENT, POLICE AND FIRE PROTECTION.

(d) THE GATE SYSTEM IS NOT INTENDED TO REPLACE OR TO SERVE IN LIEU OF INDIVIDUAL ALARM SYSTEMS OR OTHER MEASURES TO PROVIDE SECURITY AT A RESIDENCE OR WITHIN ANY LOT OR LOTS. EACH OWNER IS ENCOURAGED TO INSTALL PERSONAL SECURITY DEVICES UPON AND

WITHIN SUCH OWNER'S LOT TO THE SAME EXTENT THAT WOULD BE PRUDENT IF THE GATE SYSTEM DID NOT EXIST.

(e) THE GATE SYSTEM WILL BE INSTALLED BASED UPON THE REPRESENTATION AND/OR RECOMMENDATIONS OF VENDORS REGARDING THE OPERATION AND PERFORMANCE CAPABILITIES OF THE COMPONENTS OF THE GATE SYSTEM. THE DECLARANT AND/OR ASSOCIATION DISCLAIMS ANY AND ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED AND THE DECLARANT MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY NATURE WHATSOEVER REGARDING THE SYSTEM, INCLUDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR THE PURPOSE FOR WHICH IT WAS DESIGNED. THE DECLARANT AND/OR ASSOCIATION DOES NOT EXPRESSLY OR IMPLIEDLY GUARANTEE THAT THE GATE SYSTEM WILL AVERT OR PREVENT OCCURRENCES OR CONSEQUENCES WHICH THE GATE SYSTEM IS DESIGNED TO AVERT OR PREVENT.

(f) THE GATE SYSTEM SHALL BE OWNED, OPERATED, AND MAINTAINED BY THE ASSOCIATION AS ITS SOLE COST AND EXPENSE. THE ASSOCIATION MAY HIRE INDEPENDENT THIRD PARTY CONTRACTORS TO ASSIST THE ASSOCIATION WITH OPERATION, ENFORCEMENT, MAINTENANCE AND REGULATION OF THE GATE SYSTEM. THE DECLARANT SHALL NOT BE REQUIRED TO OPERATE OR MAINTAIN THE GATE SYSTEM IN ANY MANNER WHATSOEVER.

(g) EACH RESIDENCE CONSTRUCTED UPON A LOT MUST BE CONNECTED INTO THE GATE SYSTEM, AND EACH OWNER SHALL BE RESPONSIBLE FOR USING THE GATE SYSTEM IN THE PROPER MANNER AND WITHIN THE RULES AND REGULATIONS RELATING THERETO AS MAY BE ADOPTED FROM TIME TO TIME BY THE BOARD, INCLUDING BUT NOT LIMITED TO AN OBLIGATION THAT EACH OWNER MUST TIMELY PROVIDE ALL INFORMATION TO THE ASSOCIATION OR THE ASSOCIATION'S MANAGING AGENT NECESSARY TO PROVIDE FOR ACCESS TO AND FROM THE GATE SYSTEM FOR OWNERS AND OWNER RELATED PARTIES. NEITHER DECLARANT NOR THE ASSOCIATION ASSUME ANY LIABILITY WHATSOEVER FOR ANY DAMAGE TO ANY OWNER VEHICLE OR OWNER RELATED PARTIES WHICH MAY BE CAUSED BY A MALFUNCTION, OR OTHERWISE, OF THE GATE SYSTEM.

(h) SECURITY IS THE SOLE RESPONSIBILITY OF LOCAL LAW ENFORCEMENT AGENCIES AND INDIVIDUAL OWNERS AND THEIR TENANTS, AND THEIR RESPECTIVE RELATED PARTIES. Security Services may be provided at the sole discretion of the Board of Directors. The providing of any Security Services at any time will in no way prevent the Board from thereafter discontinuing, or from temporarily or permanently modifying, terminating or removing, any Safety Enhancement, in whole or in part.

(i) Any third party providers of Security Services are independent contractors, the acts or omissions of which are not imputable to the Declarant, the Association or its Related Parties.

(j) Providing of any Safety Enhancement may never be construed as (i) an undertaking by the Association or its Related Parties to provide personal security as to any Owner, tenant or their Related Parties, or as to any other Person, or (ii) a representation or undertaking that any Safety Enhancement will be continued, or (iii) a representation, guarantee or warranty that the presence of any Safety Enhancement will in any way increase personal safety or prevent personal injury or property damage due to negligence, criminal conduct or any other cause WITHOUT LIMITATION OF THE FOREGOING, DECLARANT, THE ASSOCIATION AND THEIR RELATED PARTIES SHALL NOT HAVE ANY DUTY WHATSOEVER TO WARN, ADVISE OR INFORM ANY OWNER, TENANT OR THEIR RELATED PARTIES AS TO CRIMINAL CONDUCT OF ANY KIND OR AS TO ANY OTHER MATTERS REGARDING OR RELATING TO SECURITY SERVICES, PAST OR PRESENT.

(k) Declarant, the Association and their Related Parties are not liable for, and each Owner, their tenants, and their respective Related Parties, must indemnify, keep indemnified and hold Declarant, the Association and their Related Parties harmless at all times from, any injury, loss or damages whatsoever, including without limitation any injury or damages caused by theft, burglary, trespass, assault, vandalism or any other crime, to any Person or property arising, directly or indirectly, from the providing or failure to provide any Security Services, or the discontinuation, modification, disruption, defect, malfunction, operation, repair, replacement or use of any Safety Enhancement.

(l) DECLARANT, THE ASSOCIATION AND THEIR RELATED PARTIES, HAVE NO DUTY, OBLIGATION OR RESPONSIBILITY OF ANY KIND WHATSOEVER TO WARN, ADVISE OR IN ANY OTHER MANNER INFORM ANY OWNERS, TENANTS, OR THEIR RELATED PARTIES, OR ANY OTHER RESIDENTS OR OCCUPANTS OF ANY LOT OR COMMUNITY PROPERTIES OR ANY LAW ENFORCEMENT AGENCY, OR ANY OTHER PERSON AS TO ANY ALLEGED, SUSPECTED OR KNOWN CRIMINAL ACTIVITIES OF ANY KIND, CRIMINAL HISTORY OR BACKGROUND OF ANY PERSON, OR CRIMINAL INVESTIGATIONS BY LAW ENFORCEMENT AGENCIES OR BY ANY OTHER PERSON (ALL SUCH MATTERS, ACTIVITIES AND INVESTIGATIONS HEREIN REFERRED TO AS "CRIMINAL MATTERS"), regardless of whether the Criminal Matters involve the Subdivision, other areas in the vicinity or any other place or lands. The Association may (but has no obligation to) from time to time disclose and/or transmit information concerning Criminal Matters to Owners, tenants, and any other occupants of Lots and/or any Community Properties, to any law enforcement agencies, and to any other Person which the Association's officers, directors, agents, employees and other Related Parties in their sole discretion deem advisable. Each Owner and tenant by acceptance of any right, title or interest in any Lots, and every Owner, tenant and occupant of a Lot or any Community Properties by virtue of such occupancy, hereby consents, on their behalf and on behalf of their respective Related Parties, and on behalf of all other Persons coming upon a Lot or any Community Properties at their invitation, or with their consent or permission, to any such disclosure and/or transmittal of information. Any such disclosure and/or transmittal of information shall in no way be deemed an undertaking to do so in

the future, either as to the Criminal Matters then involved or as to any other current or future Criminal Matters. All other provisions of this Section apply to any disclosure and/or transmittal of information, and to any failure to disclose and/or transmit information, concerning Criminal Matters, including in particular but without limitation, the provisions of Section 3.06.2(b) regarding the indemnity obligations of Owners, their tenants and their respective Related Parties.

SECTION 11.07 SALES ACTIVITIES. DECLARANT, AND ANY BUILDER SO AUTHORIZED BY DECLARANT, HAVE THE RIGHT TO TRANSACT ANY BUSINESS AND CONDUCT ANY ACTIVITIES REASONABLY NECESSARY FOR THE DEVELOPMENT OF THE SUBDIVISION (INCLUDING ALL "DEVELOPMENTAL ACTIVITIES" AS DEFINED IN SECTION 11.11), AND FOR THE SALE OR RENTAL OF LOTS AND SINGLE FAMILY RESIDENCES TO BE CONSTRUCTED WITHIN THE SUBDIVISION. UNTIL COMPLETION OF THE INITIAL SALE (AS PROVIDED IN SECTION 11.03) OF ALL LOTS OWNED BY DECLARANT OR A BUILDER, WHETHER OR NOT THE INITIAL SALE OF ALL LOTS OCCURS DURING OR AFTER THE DEVELOPMENT PERIOD, THE RIGHTS OF DECLARANT (AND ANY AUTHORIZED BUILDER) AS AFORESAID SHALL INCLUDE, WITHOUT LIMITATION OF THE FOREGOING, THE RIGHT TO MAINTAIN MODELS, TO HAVE, PLACE AND MAINTAIN SALES AND PROMOTIONAL SIGNS, FLAGS, BANNERS AND SIMILAR PROMOTIONAL DEVICES WITHIN THE SUBDIVISION, TO CONDUCT FROM TIME TO TIME AN "OPEN HOUSE" AND SIMILAR EVENTS FOR REALTORS AND OTHER PERSONS WHICH MAY INCLUDE WITHOUT LIMITATION LEAVING LIMITED ACCESS GATES (IF ANY) OPEN FOR PERIODS OF TIME OR OTHERWISE PROVIDING FOR OR PERMITTING ACCESS TO THE SUBDIVISION BY PROSPECTIVE PURCHASERS, REALTORS AND OTHER PERSONS AS DETERMINED BY DECLARANT, AND TO USE FOR DEVELOPMENT, SALES AND/OR PROMOTIONAL PURPOSES, ALL OR ANY PART OF ANY LOT, OR RESIDENCE OR OTHER IMPROVEMENTS LOCATED THEREON, WHICH IS OWNED BY DECLARANT OR A BUILDER. DURING THE DEVELOPMENT PERIOD ONLY, DECLARANT MAY ALSO USE FOR DEVELOPMENT, SALES AND/OR PROMOTIONAL PURPOSES, AND WITHOUT CHARGE, ANY COMMUNITY PROPERTIES (INCLUDING SUBDIVISION FACILITIES). NOTWITHSTANDING ANYTHING CONTAINED HEREIN, DECLARANT MAKES NO REPRESENTATIONS OR WARRANTIES OR ENDORSEMENTS OF ANY KIND OF ANY BUILDER OR SUCH BUILDER'S WORK PRODUCT OR OTHERWISE.



Harper's Preserve, Gate Access and User Instructions for Residents and Visitors

Resident Information

The following information will be needed by the system programmer to be entered into the telephone entry unit or controller in order for the resident to have access for both them and their guest.

- Resident name.
- Resident address.
- Resident phone number that they wish the system to call from the gate for visitors to talk to or otherwise be buzzed in, this could be a home or mobile number.
- Harris County Toll Road EZ tag number for all of the residents vehicles they may have, this would be the number on the EZ tag between the words Harris County Toll Road Authority and the bar code beginning with HCTRO for example HCTRO0000001. This information is also available from your EZ tag on line account in printed form. Please note that since this is basically a twelve digit code it is not at all difficult to transpose or miss enter so it should be provided in printed text format not hand written.
- Make and model of vehicle that corresponds to the EZ tag and/or transmitter provided.

Resident Access:

At this time the gates are scheduled to operate between the hours **(8:00 PM-6:00 AM Monday through Friday and 6:00 PM - 6:00 AM Saturday and Sunday, subject to change)** during time periods in which the Gate Attendant is on duty. The gates will remain open during other day time or high traffic hours. Residents will have multiple means of accessing the gates as follows.

- EZ tag, we have found that EZ tag users in most of the communities we service are in the high 90% bracket so most of the residents already have these. With seven new toll roads planned for Montgomery County over the course of the next decade including Loop 99 which is well under way and the extension of the Hardy Toll Road we believe that Harper's will quickly hit close to 100%. We have found that the EZ tags provide a much more secure means of access control since the tags can not only be tracked by the Harper's Community, Management and Harris County Toll Road Authority but since they are attached to the wind shield are not easily passed around

or stolen basically to have access you have to have the vehicle. Residents utilizing the EZ tag method will simply provide their EZ tag number to the property management company. Once programmed they will enter by the resident entry lane being the far right lane, bypassing the Gate Attendant and Gate house, the EZ tag reader is located on the outside of the resident entry lane in line with the Gate house, they should approach the reader slowly, when the tag is seen by the reader a red indicator light will activate and the gates will open.

- Transmitters, for residents that do not have or have no need for an EZ tag remote transmitters are available, please contact the management office for ordering information. These devices will work very similar to the EZ tags in that once programmed into the system you will be able to approach the gates slowly, activate your transmitter at the reader and the gates will open.
- Access Codes, an access code can be provided to residents for access, once programmed or assigned a resident will need to enter by means of the visitor lane and enter their access code on the keypad at the telephone entry system to gain access. Since you will be entering via the visitor lane to use the access code it may be somewhat of an inconvenience especially during high traffic times. Bear in mind these are to be used as a backup means of accessing the gate only. For example if your vehicle is in the shop and you are in a rental, most individuals will forget that their EZ tag on their vehicle is not in the rental so they will enter as normal and the gates will not open so the access code can be used as a means of accessing the gate. If you have your windshield replaced, while the glass company may remove your EZ tag from your old windshield and reinstall it on the new one, in many cases the tag is damaged and will no longer work, in the event you are not in your own vehicle, you are accompanying others in their vehicle or in the event of a malfunction or an emergency. Please note that your personal access code is not to be given to others especially non-residents, doing so may result in your access codes being suspended or removed all together. Residents are to contact the HOA Management Company to obtain access codes for entry gates.
- Gate Attendant Services, as a final method of access you will always have the option of entering through the visitor lane via the Gate Attendant. Bear in mind that they will be processing you as if you were a visitor so it may be somewhat of an inconvenience since there may be visitors in line in front of you and the Gate Attendant is not likely to recognize you as you will most often be entering by the resident lane and not seen by the Gate Attendant on a regular basis, this will be especially true during high traffic times.

Visitor Instructions

During times of gate operations, visitors will be processed into the community by the Gate Attendant on duty. In the event no Gate Attendant is present a visitor will enter the visitor lane at the Gate house and proceed as follows.

- The visitor will pull up to the telephone entry system located in front of the Gate house.
- They will use the # and or the * on the keypad to scroll through the directory (instructions are located on the unit) and find the residents name they are there to see.
- They will enter the resident's directory code into the system and the system will automatically dial the phone number designated by the resident.
- When the resident receives the call the visitor can identify themselves to the resident at which time the resident can push the **number 9#** on their phone and the gates will open for the visitor.

Please note that once the resident pushes the 9# to allow the visitor to enter, the call will be ended so you may want to be sure you have finished greeting them and given them any directions in regards to entering the gates or finding your home before pressing 9#.

The procedures for the gate services are subject to change in order to better serve the residents of Harper's Preserve. The HOA will let the homeowners know if any changes are made.



EZ tags, Installation and User Tips

EZ Tag Range and Reliability

The EZ tag range can be affected by a number of variables including the slope or height of the wind shield, electronic devices in your vehicle such as rain sensors for the wind shield wipers, Wi-Fi built into your vehicle or from a separate device, long range radio equipment such as Ham Radio, emergency radio frequencies such as police, ambulance, fire or other first responders, multiple EZ tags or other AVI (Automatic Vehicle Identification) systems just to name a few. While this all seems to suggest the EZ tags are finicky, glitch prone or unreliable generally speaking they are anything but which is why the system was adopted by the Toll Road Authority. Gateworks has been using the Harris County Toll Road EZ tags for more than a decade now and there are very few vehicles we have had problems with and to our knowledge we have been able to resolve the few vehicles that have had problems. Note that vehicles that have posed problems are typically the same vehicles the Toll Road Authority has experienced problems with such as mini vans with extremely slanted wind shields, some of the newer and generally higher end Lexus, Mercedes & BMW luxury sedans as well as Land Rovers. Most of these issues we have been able to resolve by changing the location or type of tag used. One option is to utilize a license plate bar, this device works exactly like an EZ tag but is installed on your front license plate utilizing the screws that hold on the existing license plate. There are some vehicles today that do not come with a front license plate holder when the vehicle is purchased but a kit is normally available, bear in mind that while some luxury, vintage or antique car owners do not want a front license plate The State of Texas requires all motor vehicles to have a front and rear license plate.

EZ Tag Placement and Installation:

1. EZ tags are available across the area at any of the Harris County Toll Road Authority EZ tag Stores. Information on store locations, cost and how to obtain one is available on their web site @ (www.hctra.org).
2. If you currently have an EZ tag or if your EZ tag is already installed you should **leave it in place** till you have tried it several times to see how it works and if there is a problem notify the management company for further instructions before removing.
3. EZ tags should be installed on the inside of the windshield just to the right of center approximately three inches down or away from any metal edging, trim or metal impregnated glass such as sun screen made into the glass. This would generally put it just behind the right hand side of the rear view mirror.

4. If you have not installed your EZ tag it may be to your advantage to tape the EZ tag in the above mentioned position to see how it works or in what position it may work best before permanently attaching it.
5. Please note EZ tags are not intended to be removed from the windshield and reused, in fact not only are they not meant to be but they are designed specifically to disable or cancel themselves when removed. This means you should not attempt to peel your EZ tag off and pass it to another individual to use or otherwise move it from one vehicle to another or, attempt to relocate it once it has been attached or try to re-use after having your windshield replaced, chances are it will either not work at all or substantially reduce the range of your EZ tag.

Using the EZ tag reader:

1. Since this is a side-mount reader as opposed to the overhead readers on the toll road, when approaching the EZ tag reader you should stay to the right hand side of the lane and slow down to approximately ten MPH.
2. When the reader sees a working EZ tag a red indicator light will activate letting you know the reader has read your tag. Please note that the indicator light is only meant to alert you that the tag has been read or that your tag is broadcasting a signal it does not necessarily mean that the tag has been programmed or is granting access.
3. Vehicles should approach one at a time that is to say no tailgating. Tailgating can cause the reader to pick up the second or rear vehicle rather than the vehicle in front of the reader, this can lead to unauthorized vehicles accessing the gates or by reading multiple tags at the same may lock both vehicles out.
4. Anti-pass back is a function of the reader system which prevents any tag from activating the gate twice in a row in less than a two minute, thirty three second time frame (2:33). To use an analogy this logic on the reader can be equated to bandwidth. The logic keeps it from continuously reading a single tag as it approaches and passes though the reader preventing the reader, buffer or system event log from filling up with duplicate information. What this means is if you enter the gate, u turn back out the exit and attempt to re-enter by means of the reader you will need to wait two minute, thirty three second (2:33) to access the gates again. Bear in mind that if you do approach the gate and activate the reader which will be evident by means of the indicator light, while the gate will not open for you it does restart the 2:33 time frame extending the time you will have to wait to access the gates however if another EZ tag passes through the reader prior to your second approach the anti-pass back on your tag will be canceled and you can enter without delay.