

AUDUBON PLACE HOMEOWNERS ASSOCIATION, INC.
FLAG DISPLAY POLICY

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

WHEREAS, the property encumbered by this Flag Display Policy is that property restricted by the Declaration of Covenants, Conditions and Restrictions for Audubon Place, Section One, recorded under Brazoria County Clerk's File No. 98047501, as same has been or may be amended from time to time ("Declaration"), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Audubon Place Homeowners Association, Inc. (the "Association"); and

WHEREAS, any reference made herein to approval by the Architectural Review Committee ("ARC"), means prior written approval by the ARC.

NOW THEREFORE, pursuant to the authority granted in Section 202.011 of the Texas Property Code, the Board of Directors (the "Board"), hereby adopts this Flag Display Policy ("Policy"), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

I. FLAG DISPLAY

The display of flags is permitted under the following parameters:

1. Owners may have a total of one (1) flagpole per lot. Flags must be attached to a flagpole in order to be displayed;
2. Any of the following flags may be displayed on the single permitted flagpole:
 - a. U.S. flag;
 - b. Texas flag; or
 - c. An official or replica flag of a branch of the US armed forces
3. The U.S. flag must be displayed in accordance with federal law, and the Texas flag must be displayed in accordance with Texas state law;
4. Flagpoles may be either freestanding or mounted to the dwelling, under the following parameters:
 - a. Freestanding flagpoles must be located in the backyard and may not be taller than twenty feet (20') when measured from the ground level (including the pole ornamentation).
 - b. Flagpoles no greater than five feet (5') in length may be attached to the front or back of a dwelling.
5. All flagpoles must be constructed of permanent, long-lasting materials, with a finish

appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;

6. No flagpole can be placed within an easement on the owner's lot, or in a location that encroaches on a setback on the owner's lot;
7. All flags and flagpoles must be properly maintained at all times, including, but not limited to, immediate replacement of faded, frayed or torn flags and replacement of poles that are scratched, bent, rusted, faded, leaning or damaged in any way;
8. If evening display of the flag is desired, the flag may be lit from the base of the flagpole (maximum of two bulbs) with a total of no more than 150 watts. The light must shine directly up at the flag, and cannot cause any type of light spillover onto adjoining properties. All exterior lighting must be submitted to the ARC for prior approval;
9. Flagpoles mounted to a dwelling or garage must be removed from view when no flag is displayed;
10. The size of the flag must be appropriate for the length of the flagpole;
11. Flagpole halyards must not make noise under any conditions. Halyards must be securely fastened at all times;
12. Freestanding flagpoles must be mounted on an appropriate footing;
13. All flagpoles must be installed per the manufacturer's guidelines;
14. Owners are prohibited from locating a flag or flagpole on property owned or maintained by the Association; and
15. Owners are prohibited from locating a flag or flagpole on property owned in common by the members of the Association.

II. ARC APPROVAL

Flagpoles mounted to a dwelling do not require approval from the ARC, provided the terms of this Policy are complied with.

Freestanding flagpoles require submission of a completed application to the ARC with a site plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to house color, the visibility from public streets and neighboring properties/common areas and any noise created are of specific concern.

Any installation not in compliance with this Policy will be considered a violation of the dedicatory instruments governing the subdivision.

This Flag Display Policy does not apply to property that is owned or maintained by the Association.

CERTIFICATION

I hereby certify that, as President of the Audubon Place Homeowners Association, Inc., the foregoing Flag Display Policy was approved on the 23 day of October, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 23 day of October, 2012.

Micheline Marcoux
Print Name: Micheline Marcoux
Title: President

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BEFORE ME, on this day personally appeared Micheline Marcoux, the President of the Audubon Place Homeowners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 23 day of October, 2012.

Kristi A Cole
Notary Public – State of Texas



After Recording, Return To:
Stephanie Quade
Roberts Markel Weinberg P.C.
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056

FILED and RECORDED

Instrument Number: 2012048959

Filing and Recording Date: 10/26/2012 10:49:08 AM Pages: 4 Recording Fee: \$24.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



Joyce Hudman

Joyce Hudman, County Clerk
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

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cclerk-jkeels