

AUDUBON PLACE HOMEOWNERS ASSOCIATION, INC.
SOLAR ENERGY DEVICES AND ROOFING MATERIALS POLICY

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

WHEREAS, the property encumbered by this Solar Energy Devices and Roofing Materials 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 202.010 and 202.011 of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Solar Energy Devices and Roofing Materials 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.

An application must be submitted for review by the ARC, and formal written approval from the ARC shall be required before installation may begin.

I. **SOLAR ENERGY DEVICES AND ROOFING MATERIALS**

A. Prohibited Solar Energy Devices

Solar energy devices, as referred to herein, shall be defined as set forth in the Texas Tax Code, §171.107. Solar energy devices are prohibited in the following circumstances:

1. It has been adjudicated by a court that the solar energy devices are a threat to public health or safety, or violate a law;
2. Solar energy devices that are located on property owned or maintained by the Association;
3. Solar energy devices that are located on property that is owned in common by the members;
4. Solar energy devices that are located on the owner’s property, other than:
 - a. On the roof of the dwelling or another permitted structure;

- b. In a fenced yard or patio owned & maintained by the owner;
5. Roof-mounted solar energy devices that extend higher than or beyond the roofline;
 6. Subject to Item 7 below, if roof mounted, is mounted in an area other than the back of the home;
 7. Roof-mounted solar energy devices that are located in an area *other* than an area designated by the Association, unless the alternate location increases the estimated annual energy production by more than 10% above the area designated by the Association (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory);
 8. Roof-mounted solar energy devices that do not conform to the slope of the roof and have a top edge that is not parallel to the roofline;
 9. Roof-mounted solar energy devices having frames, support brackets, or visible piping or wiring containing colors other than silver, bronze, or black tones;
 10. Solar energy devices located in a fenced yard or patio that are taller than the fence;
 11. Solar energy devices that, as installed, void material warranties; and
 12. Solar energy devices that were installed without prior approval by the Association or ARC.

If the proposed solar energy devices do not fall within one of the above-prohibited categories, the Association or ARC may not withhold approval of the installation of solar energy devices unless the Association or ARC determines in writing that placement of the solar energy devices, as proposed by the owner, constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to a person of ordinary sensibilities. The written approval of the owner's proposed location by all owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

B. Permitted Roofing Materials

Pursuant to Texas Property Code §202.011, the installation of the following roofing materials is permitted:

1. Wind or hail resistant roofing materials;
2. Materials that provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
3. Materials that provide solar generation capabilities.

The above-enumerated acceptable materials, when installed, must:

1. Resemble the shingles used or otherwise are authorized for use within the subdivision;
2. Be more durable than, and are of equal or superior quality to, the shingles authorized for use within the subdivision; and
3. Match the aesthetics of the property surrounding the owner's property.

II. ARC APPROVAL

Applicant's submission of plans must include a completed application for ARC review, a site plan and/or roof 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 the roof or house color, the visibility from public streets and neighboring properties/common areas and any noise created and/or light reflected are of specific concern to the Association and the ARC.

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

This Solar Energy Devices and Roofing Materials 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 Solar Energy Devices and Roofing Materials 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.

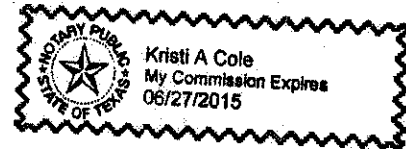
Micheline Marcoux
Print Name: Micheline Marcoux
Title: President

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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.

K. Cole
Notary Public – State of Texas



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

FILED and RECORDED

Instrument Number: 2012048956

Filing and Recording Date: 10/26/2012 10:47:03 AM Pages: 5 Recording Fee: \$28.00

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