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03/13/2012 RP2 \$72.00

**ADDITIONAL DEDICATORY INSTRUMENTS
OF
BRIARHILLS HOMEOWNER'S ASSOCIATION**

see

BEFORE ME, the undersigned authority, on this day personally appeared the below named person, who, being by me first duly sworn, states the following:

My name is Charles M. Jordan. I am over 21 years of age and of sound mind. I am capable of making, and authorized to make, this affidavit. I am personally acquainted with the facts herein stated. I am the agent and attorney-in-fact of the following (herein the "Association"): **BRIARHILLS HOMEOWNER'S ASSOCIATION**. Pursuant to the Texas Property Code, Section 202.006, the following documents are the originals, or true and correct copies of the originals, of governing instruments of the Association:

1. Amendment to By-Laws Re: Quorum of Briarhills Homeowner's Association;
2. Policy Regarding Composting, Rain Water Harvesting and Irrigation Systems for Briarhills Homeowner's Association;
3. Policy Regarding Flag Display for Briarhills Homeowner's Association;
4. Policy Regarding Display of Certain Religious Items for Briarhills Homeowner's Association;
5. Policy Regarding Certain Roofing Material for Briarhills Homeowner's Association; and
6. Policy Regarding Solar Energy Devices for Briarhills Homeowner's Association.

DATED this the 9th day of March 2012.

BRIARHILLS HOMEOWNER'S ASSOCIATION

By: *Charles M. Jordan*, attorney in fact & agent

Jordan

Print Name: Charles M. Jordan

THE STATE OF TEXAS
COUNTY OF HARRIS

THIS affidavit was **acknowledged** before me on the 9th day of March 2012 by Charles M. Jordan, who stated that he is the attorney-in-fact and agent for the above-named Association.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Sandra Chapa
Stamp or Print Name of Notary

**FILED FOR RECORD
8:00 AM**

MAR 13 2012

Stuart
County Clerk, Harris County, Texas



AFTER RECORDING RETURN TO:
Daughtry & Jordan, P.C.- SC
17044 El Camino Real
Houston, TX 77058
281-480-6888- Office

**AMENDMENT TO BY-LAWS
OF
BRIARHILLS HOMEOWNER'S ASSOCIATION
RE: QUORUM**

WHEREAS, Section 209.00593(b) of the Texas Property Code provides that the board of a property owners association may amend the bylaws of the property owners' association to provide for elections to be held as required by Texas Property Code Section 209.00593(a);

WHEREAS, it is the desire of this Board of Directors to amend the By-Laws to bring the Association in compliance with the provisions of the Texas Property Code which were passed by the Texas Legislature in 2011;

NOW THEREFORE, Article III, Section 4 is hereby **DELETED** in its entirety.

FURTHER, **Article III, Section 4** is hereby **AMENDED** to read as follows:

Section 4. Quorum.

(a) **Standard.** The presence at the meeting of Members entitled to cast, or of proxies entitled to cast, one-tenth (1/10) of the votes shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, an applicable Supplemental Declaration, or these Bylaws. If however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.


(b) **Board Elections.** If quorum is not present or represented as in (a) above, the meeting shall be adjourned without notice other than announcement at the meeting and immediately reconvened for the **sole purpose of election of directors**. At the reconvened meeting, quorum shall be all those members counted as present whether in person, by proxy, by absentee ballot, by electronic ballot, or by any other method of representative or delegated voting. Directors shall be elected by a majority of those votes counted as present.

Nothing herein is intended to alter, modify or amend the By-Laws except as specifically provided hereinabove.

CERTIFICATION

I, the undersigned, am the duly elected and acting Secretary of **BRIARHILLS HOMEOWNER'S ASSOCIATION**, a Texas non-profit corporation. I do hereby certify that the foregoing Amendment to By-Laws of the Association was properly adopted by the Board of Directors as of the 20th day of February, 2012, that same, in addition to the original By-Laws as they be amended and/or restated, do now constitute the By-Laws of said corporation.

IN WITNESS WHEREOF, I have executed this Amendment to By-Laws to be effective as of the date of adoption.



(Signature)

Jeffrey D. Keller

(Print Name)
Secretary
BRIARHILLS HOMEOWNER'S ASSOCIATION

**POLICY REGARDING COMPOSTING, RAIN WATER
HARVESTING AND IRRIGATION SYSTEMS**
for
BRIARHILLS HOMEOWNER'S ASSOCIATION

WHEREAS, Section 202.007 of the Texas Property Code provides for the regulation of composting, rainwater harvesting, and irrigation systems by a property owners' association; and

WHEREAS, it is the desire of this Board of Directors to bring the Association in compliance with the provisions of the Texas Property Code which were passed by the Texas Legislature in 2011;

NOW THEREFORE, BE IT RESOLVED THAT:

NOTWITHSTANDING a provision in any dedicatory instrument otherwise, the following Policy regarding composting, rainwater harvesting, and irrigation systems is hereby adopted:

1. Subject to written approval from the Association's Architectural Control Committee ("ACC"), a property owner may:
 - a. implement measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;
 - b. install rain barrels or a rainwater harvesting system; or
 - c. implement efficient irrigation systems, including underground drip or other drip systems.
2. A property owner must submit in writing to the ACC for approval any plan for planting new turf to encourage or require water-conserving turf.
3. The ACC may regulate the requirements for or the location of a composting device, rain barrel, rain harvesting device, or any other appurtenance, including size, type, shielding, and materials, so long as it does not prohibit the economic installation of the device or appurtenance on the property owner's property where there is reasonably sufficient area to install the device or appurtenance.
4. This Policy does not require the ACC to permit a device or appurtenance as described in paragraph 3 to be installed in or on property:
 - a. owned by the Association;
 - b. owned in common by the members of the Association; or
 - c. in an area other than the fenced yard or patio of a property owner.
5. The ACC may regulate the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes.
6. The ACC may regulate the installation or use of gravel, rocks, or cacti.
7. The ACC may regulate yard and landscape maintenance if the restrictions or requirements do not restrict or prohibit turf or landscaping design that promotes water

conservation.

8. The Association authorizes the ACC to develop ACC Guidelines which are not in conflict with or inconsistent with this Policy or the Texas Property Code. These Guidelines, if and when developed must be submitted to the Board for final approval and then filed in the real property records of the county as a dedicatory instrument.

9. Rain Barrels and Rainwater Harvesting

a. the barrel or system must not:

- (1) be of a color other than a color consistent with the color scheme of the property owner's home; or
- (2) display any language or other content that is not typically displayed by such a barrel or system as it is manufactured.

b. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the rainwater recovery system, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area.

c. Screening for those devices described in 9b may be accomplished by:

- (1) Placement behind a solid fence, a structure or vegetation; or
- (2) By burying the tanks or barrels; or
- (3) By placing equipment in an outbuilding otherwise approved by ACC.

d. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:

- (1) The barrel must not exceed 55 gallons;
 - (a) The barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle;
 - (b) The barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
 - (c) Any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.

e. Overflow lines from the rainwater recovery systems must not be directed onto or adversely affect adjacent properties or common areas.

f. Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed; however, where space allows and where appropriate, the ACC-approved ponds may be used for water storage.

g. Harvested water must be used and not allowed to become stagnant or a threat to health.

001-35-1145

h. All rainwater recovery systems must be maintained in good repair. Unused systems should be drained and disconnected from the gutters. Any unused systems in public view must be removed from public view from any street or common area.

Approved and adopted this 20th day of February, 2012, by the Board of Directors of **BRIARHILLS HOMEOWNER'S ASSOCIATION.**

BRIARHILLS HOMEOWNER'S ASSOCIATION

Jeff D. Kollar
Signature of Secretary
Print Name: Jeffrey D. Kollar

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS INSTRUMENT was acknowledged before me on this the 20th day of February, 2012, by Jeff Kollar, Secretary of **BRIARHILLS HOMEOWNER'S ASSOCIATION**, a Texas non-profit corporation, on behalf of said corporation.

Gina Marie Keller
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



4-51-33-1-3-4-2

POLICY REGARDING FLAG DISPLAY
for
BRIARHILLS HOMEOWNER'S ASSOCIATION

WHEREAS, Section 202.011 of the Texas Property Code provides for the regulation of flag display by a property owners' association; and

WHEREAS, it is the desire of this Board of Directors to bring the Association in compliance with the provisions of the Texas Property Code which were passed by the Texas Legislature in 2011;

NOW THEREFORE, BE IT RESOLVED THAT:

NOTWITHSTANDING a provision in any dedicatory instrument otherwise, the following Policy regarding flag display is hereby adopted:

1. This Policy applies to the display of flags ("**Permitted Flags**"):
 - a. the flag of the United States;
 - b. the flag of the State of Texas; and
 - c. the official or replica flag of any branch of the United States armed forces.
2. The flag of the United States shall be displayed in accordance with 4 U.S.C. Sections 5-10.
3. The flag of the State of Texas shall be displayed in accordance with Chapter 3100, Texas Government Code.
4. Any flagpole attached to a dwelling or a freestanding flagpole 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.
5. Advance written approval of the Architectural Control Committee ("**ACC**") is required for any freestanding flagpole and any lighting associated with the display of Permitted Flags.
7. Permitted Flags must be displayed from a pole attached to a dwelling or to a freestanding pole. Permitted Flags may not be draped over or directly attached to a dwelling or any other structure. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
8. Permitted Flags shall be no larger than 3 foot by 5 foot in size.
9. Only one Permitted Flag may be displayed on a flagpole attached to a dwelling. Up to two Permitted Flags may be displayed on an approved freestanding flagpole that is at least 14 feet tall.
10. A flagpole attached to a dwelling may be up to 6 feet long and must be securely attached with a bracket. Only one attached flagpole is allowed on any portion of the dwelling. Brackets which accommodate multiple flagpoles are not allowed.

11. Freestanding flagpoles may be up to 20 feet tall, including any ornamental caps. Freestanding flagpoles must be permanently installed in the ground according to manufacturer's instructions. Only one freestanding flagpole is allowed in the portion of the property owner's property between the main residential dwelling and any street or in the rear or backyard portion of a property.

12. The display of a flag, or the location and construction of the supporting flagpole shall comply with applicable zoning ordinances, easements, and setbacks of record.

13. Freestanding flagpoles may not be installed in any location described below:

- a. in any location other than the property owner's property; or
- b. within a ground utility easement or encroaching into an aerial easement; or
- c. beyond the side or rear setback lines (for example, on a lot with a 10 foot side setback line, a flagpole may not be installed closer than 10 feet from the side property line); or
- d. beyond half the distance of the front setback line (for example, on a lot with a 30 foot front setback line, a flagpole may not be installed closer than 15 feet from the front property line); or
- e. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20 foot flagpole cannot be installed closer than 20' from an adjacent house).

14. No property owner shall display a flag or flagpole on property that is owned or maintained by the Association or owned in common by the members of the Association.

15. Lighting may be installed to illuminate Permitted Flags if they will be displayed at night or if existing ambient lighting does not provide proper illumination. Flag lighting must:

- a. be ground mounted in the vicinity of the flag; and
- b. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
- c. point towards the flag and face the main dwelling on the property or to the center of the property if there is no dwelling; and
- d. provides illumination not to exceed the equivalent of a 75 watt incandescent bulb.

16. Flagpoles must not generate unreasonable noise levels. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.

17. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.

18. All displayed flags and flagpoles on which they are flown must be maintained in good condition. Deteriorated flags or deteriorated or structurally unsafe flagpoles must be repaired, replaced, or removed.

19. No other flags other than Permitted Flags shall be flown from any flagpole whether attached to the dwelling or freestanding. This includes but is not limited to:

- a. flags for schools, sports teams, businesses or foreign countries; or
- b. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
- c. historical versions of Permitted Flags.

Approved and adopted this 20th day of February, 2012, by the Board of Directors of **BRIARHILLS HOMEOWNER'S ASSOCIATION**.

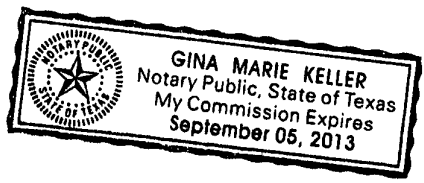
BRIARHILLS HOMEOWNER'S ASSOCIATION

Jeff D. Kollar
 Signature of Secretary
 Print Name: Jeffery D. Kollar

THE STATE OF TEXAS §
 §
 COUNTY OF HARRIS §

THIS INSTRUMENT was acknowledged before me on this the 20th day of February, 2012, by Jeff Kollar, Secretary of **BRIARHILLS HOMEOWNER'S ASSOCIATION**, a Texas non-profit corporation, on behalf of said corporation.

Gina Marie Keller
 NOTARY PUBLIC IN AND FOR
 THE STATE OF TEXAS



001-35-1549

POLICY REGARDING DISPLAY OF CERTAIN RELIGIOUS ITEMS

for

BRIARHILLS HOMEOWNER'S ASSOCIATION

WHEREAS, Section 202.018 of the Texas Property Code provides for the regulation of display of certain religious items by a Property Owners' Association; and

WHEREAS, it is the desire of this Board of Directors to bring the Association in compliance with the provisions of the Texas Property Code which were passed by the Texas Legislature in 2011;

NOW THEREFORE, BE IT RESOLVED THAT:

NOTWITHSTANDING a provision in any dedicatory instrument otherwise, the following Policy regarding display of certain religious items is hereby adopted:

1. **"Religious items"** shall be defined as any items the display of which is motivated by the owner's or resident's sincere religious beliefs.
2. An owner or resident may display or affix on the entry to the owner's or resident's dwelling one or more religious items.
3. The owner or resident shall not display or affix a religious item on the entry to the owner's or resident's dwelling that:
 - a. threatens the public health or safety;
 - b. violates a law;
 - c. contains language, graphics, or any display that is patently offensive to a passerby;
 - d. is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling;
or
 - e. individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches.
4. The Policy does not authorize an owner or resident to use a material or color for an entry door or door frame of the owner's or resident's dwelling or make an alteration to the entry door or door frame that is not authorized by the restrictive covenants governing the dwelling. To that end, any material or color or alteration for and to an entry door or door frame must be approved by the Architectural Control Committee ("**ACC**").
5. The Association may remove an item displayed in violation of a restrictive covenant permitted by this Policy.
6. In its complete discretion subject only to this Policy and the Texas Property Code, the ACC shall determine if the religious item is in violation of this Policy and should be removed.

Approved and adopted this 20th day of February, 2012, by the Board of Directors of **BRIARHILLS HOMEOWNER'S ASSOCIATION.**

BRIARHILLS HOMEOWNER'S ASSOCIATION

Jeff D Kollar

Signature of Secretary

Print Name: Jeffrey D Kollar

THE STATE OF TEXAS

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COUNTY OF HARRIS

THIS INSTRUMENT was **acknowledged** before me on this the 20th day of February, 2012 by Jeff Kollar, Secretary of BRIARHILLS HOMEOWNER'S ASSOCIATION, a Texas non-profit corporation, on behalf of said corporation.

Gina Marie Keller
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



POLICY REGARDING CERTAIN ROOFING MATERIALS
for
BRIARHILLS HOMEOWNER'S ASSOCIATION

WHEREAS, Section 202.011 of the Texas Property Code provides for the regulation of certain roofing materials by a property owners' association; and

WHEREAS, it is the desire of this Board of Directors to bring the Association in compliance with the provisions of the Texas Property Code which were passed by the Texas Legislature in 2011;

NOW THEREFORE, BE IT RESOLVED THAT:

NOTWITHSTANDING a provision in any dedicatory instrument otherwise, the following Policy regarding certain roofing materials is hereby adopted:

1. Subject to written approval from the Architectural Control Committee ("ACC"), a property owner may install shingles on the roof of the owner's property that:

a. are designed primarily to:

- (1) be wind and hail resistant;
- (2) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
- (3) provide solar generation capabilities; and

b. when installed:

- (1) resemble the shingles used or otherwise authorized for use on property in the subdivision;
- (2) are more durable than and are of equal or superior quality to the shingles described by paragraph 1b(1) above; and
- (3) match the aesthetics of the property surrounding the owner's property.

2. The Association authorizes the ACC to develop ACC Guidelines which are not in conflict with or inconsistent with this Policy or the Texas Property Code. These Guidelines, if and when developed must be submitted to the Board for final approval and then filed in the real property records of the county as a dedicatory instrument.

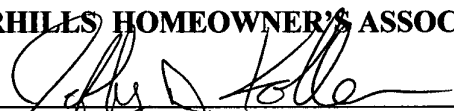
3. Except as outlined above, all applications for roof installation or repair and the roofs themselves must conform to applicable restrictive covenants and ACC Guidelines, as they now exist or may be amended in the future. ACC written approval is still required.

Approved and adopted this 20th day of February, 2012, by the Board of Directors of **BRIARHILLS HOMEOWNER'S ASSOCIATION**.

BRIARHILLS HOMEOWNER'S ASSOCIATION

Signature of Secretary

Print Name:



Jeffrey D Keller

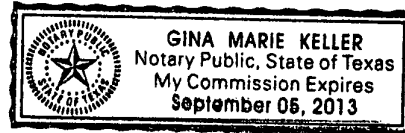
THE STATE OF TEXAS

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COUNTY OF HARRIS

THIS INSTRUMENT was **acknowledged** before me on this the 20th day of February, 2012 by Jeff Kollar, Secretary of **BRIARHILLS HOMEOWNER'S ASSOCIATION**, a Texas non-profit corporation, on behalf of said corporation.

Gina Marie Keller
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



11 001-05-1553

POLICY REGARDING SOLAR ENERGY DEVICES

for

BRIARHILLS HOMEOWNER'S ASSOCIATION

WHEREAS, Section 202.010 of the Texas Property Code provides for the regulation of solar energy devices by a property owners' association; and

WHEREAS, it is the desire of this Board of Directors to bring the Association in compliance with the provisions of the Texas Property Code which were passed by the Texas Legislature in 2011;

NOW THEREFORE, BE IT RESOLVED THAT:

NOTWITHSTANDING a provision in any dedicatory instrument otherwise, the following Policy regarding solar energy devices is hereby adopted:

1. **"Solar energy device"** has the meaning assigned by Section 171.107 of the Tax Code.
2. A solar energy device shall not be permitted that:
 - a. as adjudicated by a court:
 - (1) threatens the public health or safety; or
 - (2) violates a law;
 - b. is located on property owned or maintained by the Association;
 - c. is located on property owned in common by the members of the Association;
 - d. is located in an area on the property owner's property other than:
 - (1) on the roof of the home or of another structure allowed under a dedicatory instrument; or
 - (2) in a fenced yard or patio owned and maintained by the property owner;
 - e. if mounted on the roof of the home:
 - (1) extends higher than or beyond the roofline;
 - (2) is located in an area other an area designated by the Association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the Association;
 - (3) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or
 - (4) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;
 - f. if located in a fenced yard or patio, is taller than the fence line;
 - g. as installed, voids material warranties; or
 - h. was installed without prior approval by the Association or by the Architectural Control Committee ("ACC").
3. Neither the Association nor the ACC shall withhold approval of the installation of a solar energy device if it meets or exceeds the provisions of this Policy unless the Association or the ACC determines in writing that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of

ordinary sensibilities. For purposes of making this determination, the written approval of the proposed placement of the device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

Approved and adopted this 20th day of February, 2012 by the Board of Directors of **BRIARHILLS HOMEOWNER'S ASSOCIATION.**

BRIARHILLS HOMEOWNER'S ASSOCIATION

Jeffrey D. Kollar

Signature of Secretary

Print Name: Jeffrey D. Kollar

THE STATE OF TEXAS

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COUNTY OF HARRIS

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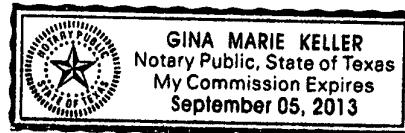
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THIS INSTRUMENT was acknowledged before me on this the 20th day of February, 2012 by Jeff Kollar, Secretary of **BRIARHILLS HOMEOWNER'S ASSOCIATION**, a Texas non-profit corporation, on behalf of said corporation.

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

Gina Marie Keller
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

MAR 13 2012



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

001-03-1585