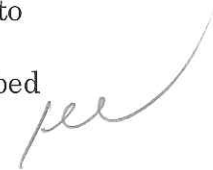


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Notice  
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**BOARD RESOLUTION ADOPTING:  
FLAG DISPLAY; RELIGIOUS DISPLAY; SPECIAL ROOFING DEVICE; SOLAR  
ENERGY DEVICE; RAINWATER HARVESTING DEVICE; XERISCAPING;  
RECORD RETENTION; RESALE CERTIFICATE PRODUCTION;  
& AMENDED COLLECTION POLICIES**

***For*  
AVALON TERRACE HOMEOWNERS ASSOCIATION**

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

WHEREAS, Avalon Terrace Homeowners Association, (hereafter referred to as "Association") is a nonprofit Corporation, incorporated with the Texas Secretary of State; subject to § 202 of the Texas Property Code; and described by the "*Declaration of Covenants, Conditions and Restrictions for Avalon Terrace*," which are recorded in the Harris County Real Property Records, under file number U414133. 

WHEREAS, the Association seeks to adopt flag display regulations, in compliance with §§ 202.011 and 202.012 of the Texas Property Code.

WHEREAS, the Association seeks to adopt religious display regulations, in compliance with § 202.018 of the Texas Property Code.

WHEREAS, the Association seeks to adopt solar energy device regulations, in compliance with §§ 171.107, 202.010, and 202.011 of the Texas Property Code.

WHEREAS, the Association seeks to adopt a rainwater harvesting device policy, in compliance with §§ 171.107, 202.007, 202.010, and 202.011 of the Texas Property Code.

WHEREAS, the Association seeks to adopt Drought-Resistant Landscaping and Water-Conserving Turf (hereafter referred to as "xeriscaping") regulations in compliance with §§ 202.007(a)(4), 202.007(d)(8), and 202.007(d-1) of the Texas Property Code.

WHEREAS, the Association seeks to adopt policies regarding association records, in compliance with §§ 207.003 and 209.005 of the Texas Property Code.

WHEREAS, the Association seeks to adopt an amended collection policy in compliance with §§209.0062 and 209.0063 of the Texas Property Code.

2013-01-13

NOW, THEREFORE, in accordance with the foregoing, the Association adopts the following resolution, effective 01/01/14:

I. POLICY REGARDING FLAG DISPLAY

1. A property owner is explicitly permitted, though not necessarily restricted to displaying:
  - a) United States Flags, which comply with 4 U.S.C. Sections 5-10;
  - b) Texas Flags, which comply with Chapter 3100 of the Texas Government Code.
2. A property owner can only display flags:
  - a) on property which they have exclusive control and use over;
  - b) on freestanding flagpoles or mounted flagpole brackets;
  - c) that are constructed of permanent materials;
  - d) that are maintained in good condition;
  - e) that are proportionate in size to the structure on which they are attached;
  - f) that do not exceed a width of three (3) feet or a height of five (5) feet;
  - g) which are harmonious with the surrounding property. As such, an owner may not display a flag in any way that creates a nuisance or violates an applicable zoning ordinance, easement, or set back restriction.
3. A property owner may install a flagpole only after an Architectural Review Application (Hereafter referred to as "ACC application") has been submitted and approved. Flagpole ACC applications shall adhere to the following conditions:
  - a) A flagpole can only be installed in a "front yard," as defined by § 202.001(5) of the Texas Property Code. Therefore, flagpoles can only be installed in a front yard with a set back of at least fifteen (15) feet.
  - b) No flagpole may exceed 20 feet in height.

- c) All flagpoles must be constructed of safe, sturdy, and permanent materials.
  - d) Any flagpole that displays a flag from dusk till dawn must be properly illuminated.
4. The Association, through its Board of Directors, shall have absolute discretion to:
- a) interpret the meaning of all terms used in this section that are not statutorily defined; and
  - b) determine whether a property owner is in compliance with the restrictions described in this section.

## II. POLICY REGARDING RELIGIOUS DISPLAYS

1. A property owner, motivated by a sincere religious belief, is permitted to display or affix one or more religious items to the entry door of their property, unless the Association determine that the display:
- a) threatens public health or safety;
  - b) violates a law;
  - c) is crude or offensive;
  - d) extends past the outer edge of the entry door frame;
  - e) is greater than 25 square inches;
  - f) results in an unapproved alteration to the entry door material or color.
2. The Association, through its Board of Directors, shall have absolute discretion to:
- a) interpret the meaning of all terms used in this section that are not statutorily defined;
  - b) determine whether a property owner is in compliance with the restrictions described in this section; and
  - c) remove any religious display that it determines to be in violation with the restrictions described above.

### III. POLICY REGARDING SPECIAL ROOFING SHINGLES

1. A property owner is permitted to install shingles on the roof of their property that are designed to be wind and or hail resistant, provide heating or cooling efficiency, or provide solar generation capabilities. However, such shingles as installed must:
  - a) be approved by the Architectural Review Committee (Hereafter "ACC Committee") prior to their installation;
  - b) resemble the shingles authorized for use on property in the subdivision;
  - c) be more durable and of at least equal quality to shingles authorized for use on property in the subdivision; and
  - d) match the aesthetics of property surrounding the owner's property.

### IV. POLICY REGARDING SOLAR ENERGY DEVICES

1. A property owner is permitted to install a solar energy device, as defined by 171.107 of the Texas Property Code, but only if the installed device conforms to the following guidelines:
  - a) All solar energy devices must be aesthetically harmonious with the surrounding property and installed
    - i. inside a patio or fenced yard OR
    - ii. on top of an owner's roof.
  - b) No property owner may install a solar energy device prior to the submission and approval of an ACC application.
  - c) No property owner may install a solar energy device on property owned by the Association or property owned in common by Association members.
  - d) No property owner may install a solar energy devices that:
    - i. extends higher than their roofline;
    - ii. beyond the edge of their property;

- iii. does not conform to their roof's slope line; or
  - iv. includes frames, support brackets, or visible wires that are not silver, black, or bronze tone.
2. The Association, through its Board of Directors, shall have absolute discretion to:
- a) interpret the meaning of all terms used in this section that are not statutorily defined and
  - b) determine whether a property owner is in compliance with restrictions described in this section.

#### V. POLICY REGARDING RAINWATER HARVESTING SYSTEMS

1. A property owner is explicitly permitted to install rain barrels, rainwater harvesting systems, and efficient irrigation systems, such as drip systems, but only if the installed device:
- a) is located on property that is fully owned and controlled by the owner;
  - b) is not located on property between the front of the property and an adjoining or adjacent street;
  - c) was approved by the ACC Committee prior to its installation;
  - d) is of a color that is consistent with the color of the home; and
  - e) is aesthetically harmonious with the surrounding property.
2. The Association, through its Board of Directors, shall have absolute discretion to:
- a) interpret the meaning of all terms used in this section that are not statutorily defined, and
  - b) determine whether a property owner is in compliance with restrictions described in this section.

## VI. POLICY REGARDING XERISCAPING

1. A property owner is explicitly permitted to install drought-resistant landscaping or water-conserving turf (hereafter referred to as "xeriscaping"), but only after an ACC application has been submitted and approved.
2. Xeriscaping ACC applications shall adhere to the following guidelines:
  - a) All drought-resistant landscaping or water-conserving turf must be aesthetically compatible with other landscaping in the subdivision.
  - b) All ACC applications must contain a detailed description of the installation plan, including but not limited to the type and brand of intended materials, the location where the materials are to be installed, and a rendering or diagram of the overall plan.
  - c) All ACC applications containing the following features will be deemed aesthetically incompatible with the subdivision and will not be approved:
    - i. Any use of artificial plants or unnatural landscaping materials such as Astro-turf, silk flowers, plastic plants, or rubber mulch.
    - ii. Substantial use of non-native plants such as cacti.
    - iii. Predominant use of rock, stone, or non-living ground cover visible to the public
  - d) All ACC applications must comply with previously approved association guidelines.
3. The Association, through its Board of Directors, shall have absolute discretion
  - a) to interpret the meaning of "drought-resistant," "water conserving," "aesthetically compatible," "aesthetically incompatible," "artificial," "unnatural," "substantial use," "predominant use," and all other terms used in this document that are not statutorily defined, and
  - b) determine whether a property owners is in compliance with restrictions described in this section.

VII. POLICY REGARDING ASSOCIATION RECORD RETENTION AND  
PRODUCTION

1. The Association retains certain documents, which can be made available to property owners. Specifically, the Association retains the documents for the following periods of time:
  - a. Certificates of formation, bylaws, and restrictive covenants are retained permanently.
  - b. Financial books and records are retained for at least seven (7) years.
  - c. Meeting minutes are retained for at least seven (7) years.
  - d. Tax returns and audit records are retained for at least seven (7) years.
  - e. Current property owner account ledgers and deed histories are retained for at least five (5) years.
  - f. Contracts lasting for one (1) year or more are retained for at least four (4) years after the expiration of the contract.
2. Property owners are entitled to inspect and /or receive copies of the association documents that are listed above. However, in order to use this right a property owner must follow the following guidelines regarding association document production:
  - a) In order to inspect or receive copies of association documents a property owner must submit a written request:
    - i. with enough detail to describe the specific books or records that the owner seeks;
    - ii. that states whether the owner wants to inspect or receive copies of the books or records; and
    - iii. that is sent to the address listed on the most recent management certificate filed with the county.
  - b) If the property owner seeks to inspect certain books or records, the Association will respond within ten (10) business

days, and inform the owner of the proper time and place to inspect the records.

- c) If the property owner seeks copies of association documents:
- i. The property owner will receive the requested documents within ten (10) business days of their request, unless the Association is unable to produce the requested documents.
  - ii. If the Association is unable to produce the requested documents in ten (10) days, they will inform the owner of this fact and describe when the documents will be made available.
  - iii. Prior to the release of association documents, to a property owner, payment for all costs associated with retrieving, compiling, and reproducing the documents must be provided to the Association.
  - iv. The specific costs related to this service are listed in the table below:

<u>Action Item</u>	<u>Associated Costs</u>
<b>Materials</b>	Any materials that are necessary for the production of requested documents will be provided at their actual cost.
<b>Labor</b>	Any labor that is necessary for the production of requested documents, such as retrieving, copying, and providing will be provided at a cost of \$25 per hour. In extreme cases, additional overtime costs may apply.
<b>Copies</b>	In order to cover the cost of paper and ink, copies will be provided



	at \$0.15 per page.
<b>Offsite Document Retrieval</b>	If it is necessary to retrieve the requested documents from an offsite location, an additional charge of \$100 will be applied.
<b>Third Party Document Retrieval</b>	If a property owner requests documents held by a third party document storage provider, such documents will be provided at the full cost charged by the provider.

3. Property owners are not entitled to all Association documents. The property owners' association is not required to release or allow inspection of:

- a) any books or records that identify the violation history of an individual owner of the Association;
- b) an owner's personal financial information, including records of payment or nonpayment due to the Association;
- c) an owner's contact information; or
- d) information related to an employee of the association.

However, such information may be released if:

- a) the information is provided in an aggregate or summary manner that does not identify an individual property owner;
- b) the owner whose records are the subject of the request have provided express written consent for the release of the records; or
- c) a court has ordered the release of the books or records.

## VIII. POLICY REGARDING RESALE CERTIFICATE PRODUCTION

1. Property owners are entitled to resale certificates for their property.

However, in order to use this right, a property owner must follow these resale certificate production guidelines:

- a) In order to receive a resale certificate from the Association, or its agent, a property owner must:
  - i. Submit a written request for the resale certificate that specifies the name and location that the information is to be sent. The written request must be sent to the address listed on the most recent management certificate that is filed with the county.
  - ii. Prior to the release of any resale certificate, the property owner must provide payment for the compilation, reproduction, and production of the resale certificate. This service is normally provided at a cost of \$100.00 per resale certificate. However, property owners can request "same day" resale certificate production at an additional cost of \$25.00
  - iii. After a written request has been submitted and the required payments have been received, the Association will provide the owner with the requested resale certificate within ten (10) business days.

2. Neither the Association nor its agent are required inspect a property before issuing a resale certificate or update.

## IX. AMENDED COLLECTION & PAYMENT PLAN POLICIES

- 1) The Association applies the following collection policy:
  - a) All property owners are required to pay the Association a monthly maintenance fee of **\$260.00**
  - b) All association dues, such as monthly maintenance assessments, are due in full on the first (1<sup>st</sup>) day of each month.
  - c) Association dues are late if they are not received by the tenth (15<sup>th</sup>) day of each month.
  - d) Other association charges are listed in the table below

<u>Action Item</u>	<u>Associated Costs</u>
Transfer Fee	\$100
Refinance Fee	\$50
Mortgage Questionnaire	\$100 - \$275
NSF Fee	\$25
Title Search	\$45
Lien Search	\$100
Fines	\$75
Certified Mail Fee	\$15
Gate Cards	\$25

- e) Payments made by a property owner are applied to their account balance in the following order of priority:
  - (1) any delinquent assessment;
  - (2) any current assessment;
  - (3) any attorney's fees or third party collection costs incurred by the association associated solely with assessments or any other charge that could provide the basis for foreclosure;

- 99-01-1286
- (4) any attorney's fees incurred by the association that are not subject to Subdivision
  - (5) any fines assessed by the association; and
  - (6) any other amount owed to the association.
- f) Property owners have ninety (90) days to pay their outstanding assessment balance before their account is turned over to the Association's attorney for collection.
- g) If the Association receives a payment from a property owner that is in default and subject to a payment plan, as described in the policy below, the Association might not follow the payment priority listed above.
- 2) The Association applies the following alternative payment plan policy:
- a) A property owner is entitled to make partial payments to the debt they owe the Association, without monetary penalty. However, "monetary penalties do not include reasonable costs associated with administering the payment plan or interest." Tex. Prop. Code § 209.0062(b).
  - b) A property owner must request placement on an alternative payment plan.
  - c) Normally, board approved payment plans consist of three (3) monthly payments each accounting for 1/3 of the owners outstanding assessment balance.

## CERTIFICATION

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

I, the undersigned, a director Avalon Terrace Homeowners Association, hereby certify that the above resolution was adopted by a majority of the Association's Board of Directors, at duly held meeting with the requisite quorum present. 10R

Executed: 12/23/13

Signature: Charles Vachris

Name: CHARLES VACHRIS

Title: PRESIDENT

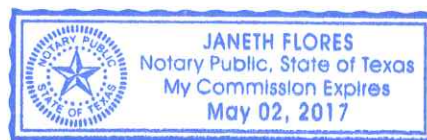
## ACKNOWLEDGEMENT

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on December 23, 2013, by Charles Vachris, a director of Avalon Terrace Homeowners Association.

By: [Signature]

Notary Public, State of Texas



## AFTER RECORDING PLEASE RETURN TO:

Randall Management  
6200 Savoy, Suite 420  
Houston, Texas 77036

### 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.

FILED

2013 DEC 26 PM 2:31

*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, 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 herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris  
County, Texas.

DEC 26 2013



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS