

NOTICE  
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**CERTIFICATE OF ADOPTION  
OF  
GUIDELINES AND CRITERIA  
OF  
ASHTON VILLAGE HOMEOWNERS ASSOCIATION**

(Solar Energy Devices, Display of Flags of the United States, State of Texas and any branch of the United States Military, Rainwater Harvesting Systems and Shingles)

STATE OF TEXAS           §  
  §   KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS       §

**WHEREAS**, the Board of Directors (the "Board") of Ashton Village Homeowners Association, a Texas non-profit corporation (the "Association") is charged with administering and enforcing those certain covenants, conditions, and restrictions encumbering the Ashton Village community (the "Community"); and

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**WHEREAS**, Chapter 202 of the Texas Property Code has been amended and allows a property owners' association to adopt and enforce various rules, regulations, guidelines and criteria applicable to its community; and

**WHEREAS**, the Board has determined that in connection with providing rules, regulations, guidelines and policies regarding: (i) solar energy devices; (ii) the display of flags of the United States, the State of Texas and any branch of the United States armed forces; (iii) rainwater harvesting systems; and (iv) certain types of shingles, it is appropriate for the Association to adopt guidelines and criteria concerning these matters; and

**WHEREAS**, the Bylaws of the Association provide that a majority of the members of the Board shall constitute a quorum for the transaction of business and that the action of a majority of the members of the Board at a meeting at which a quorum is present is the action of the Board; and

**WHEREAS**, the Board held a meeting on November 21, 2011 (the "Adoption Meeting"), at which at least a majority of the members of the Board were present and duly passed the guidelines and criteria described herein below (the "Guidelines").

**NOW, THEREFORE**, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the members of the Board were present and the Board duly adopted the Guidelines. The Guidelines are effective upon recordation of this Certificate in the Official Public Records, and supplement any restrictive covenants, rules, regulations, guidelines or policies regarding the subject matter of the Guidelines which may have previously been in effect for the Community, unless such restrictive covenants, guidelines, rules, regulations, or policies are in conflict with the Guidelines, in which case the terms of the Guidelines will control. The Guidelines are as follows:

I.

ER 028 - 67 - 0969

**SOLAR ENERGY DEVICES**

As used herein, "Solar Energy Device" or "Solar Energy Devices" means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy and includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

**CATEGORY 1**  
***(ROOF MOUNTED SOLAR ENERGY DEVICE)***

The following conditions (as well as the Minimum Conditions set forth below) apply to a Solar Energy Device mounted to the roof of the home or other structure:

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring must be located to the rear one-half (1/2) of the lot, must not be visible from the frontage street or adjoining streets and must serve only improvements on the particular lot in which it is located unless an alternate location on the roof increases the estimated annual energy production of the Solar Energy Device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten (10%) percent. In such instance, the Solar Energy Device and any mast shall be placed in the least visible location where an acceptable level of annual energy production is still possible.

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring shall not extend above the roofline of the house or other structure upon which the Solar Energy Device is located.

The slope of the Solar Energy Device and any brackets must conform to the slope of the roof and must have a top edge that is parallel to the roofline.

**CATEGORY 2**  
***(NON-ROOF MOUNTED SOLAR ENERGY DEVICE)***

The following conditions (as well as the Minimum Conditions set forth below) apply to a Solar Energy Device not mounted to the roof of the home or other structure:

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring may not extend above the fence line.

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring may only be located in a fenced yard or patio owned and maintained by the owner.

**MINIMUM CONDITIONS**

In addition to the foregoing requirements, no Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring shall be erected, constructed, placed, or permitted to remain on any lot unless such installation strictly complies with the following minimum conditions:

The proposed location of the Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring must be submitted to the Association's Architectural Control Committee (the "Architectural Committee") for prior written approval. The Architectural Committee reserves the right to withhold approval of the Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring, even if it complies with the Guidelines herein, if the placement constitutes a condition that

substantially interferes with the use and enjoyment of land by causing an unreasonable discomfort or annoyance to persons of ordinary sensibilities.

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring must not threaten the public health or safety as adjudicated by a court violate the law as adjudicated by a court.

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring must be silver, bronze or black tone commonly available on the market place and no advertising slogan, log, print or illustration shall be permitted upon the Solar Energy Device or any related mast, frame, brackets, support structure, piping and wiring mast, other than the standard logo, printing or illustration which may be included by the applicable manufacturer for the Solar Energy Device or any related mast, frame, brackets, support structure, piping and wiring mast.

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring shall not be constructed or placed or permitted to remain on any property owned or maintained by the Association.

The Solar Energy Device and any related mast, frame, brackets, support structure, piping and wiring installed hereunder shall be installed in a manner that complies with all applicable laws and regulations and manufacturer's instructions and as installed, must not void the manufacturer's warranty.

**II.  
DISPLAY OF THE  
UNITED STATES, STATE OF TEXAS AND UNITED STATES ARMED FORCES  
FLAG**

The following guidelines are applicable to the display of flags of the United States, the State of Texas and any branch of the United States armed forces (herein, collectively called "Flags" and individually called "Flag").

**CATEGORY 1  
(HOUSE OR GARAGE MOUNTED FLAGPOLES)**

Flagpoles six feet (6') in length or less must be mounted on the house or garage using a bracket manufactured for flagpoles. Flagpoles must be constructed of long lasting materials with a finish appropriate to the material used in the construction of the flagpole and harmonious with the dwelling. The Flag may not exceed three (3') feet in height by five (5') feet in width. The flagpole must be removed when the Flag is not displayed.

**CATEGORY 2  
(IN-GROUND MOUNTED FLAGPOLES)**

Flagpoles longer than six (6') feet must mounted in-ground. Permanent in-ground flagpoles are generally defined as those that are installed in an appropriate footing (usually concrete) and are not meant to be removed unless the flagpole is being replaced. Temporary in-ground flagpoles are generally defined as those poles that are installed in the ground by a sleeve system that is designed to allow the easy removal and reinsertion of the pole. In-ground flagpoles must be in compliance with applicable easements, set-backs and ordinances. Flagpoles must be constructed of metal with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling. Flagpoles may only be installed in front yards and within the established building lines.

If a Flag is to be displayed daily (from dusk till dawn), then a permanent in-ground flagpole must be installed. If a Flag is only going to be displayed on specific holidays (as per the United States Flag Code (4 U.S.C. Section 1, *et. seq.*) (the "Flag Code") or less frequent than every day, then the flagpole must be a temporary in-ground flagpole and the flagpole must be removed from the ground on those days that a Flag is not being displayed.

The top of in-ground flagpoles may not be taller than twenty (20') feet when measured from ground level (including all flagpole ornamentation). The size of the Flag must be appropriate for the height of the flagpole, but in any event, may not exceed four (4') feet in height by six (6') feet in width for Flags mounted on in-ground flagpoles taller than fifteen (15') feet but no taller than twenty (20') feet when measured from ground level (including all flagpole ornamentation). The size of the Flag mounted on in-ground flagpoles shorter than fifteen (15') feet when measured from ground level (including all flagpole ornamentation) may not exceed three (3') feet in height by five (5') feet in width. Flagpole halyards must be of a type which do not make noise and must be securely fastened. Flagpoles must be mounted on an appropriate footing and if this footing is visible, it must be screened with adequate landscaping.

#### MINIMUM CONDITIONS

In addition to the foregoing requirements, no flagpole shall be erected, constructed, placed, or permitted to remain on any lot and no Flag shall be displayed on any lot unless such installation and display strictly complies with the following minimum conditions:

- a. The proposed location of the flagpole must be submitted to the Architectural Committee for prior written approval, but in any event, may not be closer than ten (10') feet to any street curb.
- b. No more than one (1) in-ground mounted flagpole per lot may be installed. No more than one (1) Flag per property may be displayed at any one (1) time.
- c. The one (1) displayed Flag may be (1) the flag of the United States of America displayed in accordance with 4 U.S.C. Sections 5-10; (2) the flag of the State of Texas displayed in accordance with Chapter 3100, Texas Government Code; or (3) an official or replica flag of any branch of the United States armed forces.
- d. If the Flag is to be flown after dusk, it must be properly illuminated per the Flag Code. It may be illuminated with an in-ground light (maximum of two [2] bulbs) with a total of no more than 150 watts. The light must shine directly up at the Flag. It cannot cause any type of light spillage onto adjoining properties or into the street. All exterior lighting must be submitted to the Architectural Committee for prior written approval.
- e. The Flag and flagpole must be properly maintained in good condition at all times. Should the Flag become faded, frayed or torn; it must be replaced immediately. If the flagpole becomes scratched, dented, leaning, or structurally unsafe; or if the paint is chipped or faded, it must be replaced, repaired or removed immediately.
- f. No advertising slogan, logo printing or illustration shall be permitted upon the Flag or flagpole, other than the standard logo, printing or illustration which may be included by the applicable manufacturer for the Flag or flagpole.

g. Any flagpole shall be installed in a manner that complies with all applicable laws and regulations (including but not limited to applicable zoning ordinances, easements and setbacks of record) and manufacturer's instructions.

h. The Flag and flagpole must be located wholly within the owner's lot and not on property that is owned or maintained by the Association.

### III. RAINWATER HARVESTING SYSTEMS

Rain barrel or rainwater harvesting systems (herein called "Rainwater Harvesting System" or "Rainwater Harvesting Systems") and all related equipment shall not be erected, constructed, placed, or permitted to remain on any lot unless they strictly comply with the following minimum conditions:

a. The Rainwater Harvesting System and any related equipment shall not be constructed or placed or permitted to remain on property owned by the Association or between the front of the property owner's home and an adjoining or adjacent street.

b. The color of the Rainwater Harvesting System and related equipment must be consistent with the color scheme of the property owner's house.

c. No advertising slogans, logo, printing or illustration shall be permitted upon the Rainwater Harvesting System or related equipment, other than the standard logo, printing or illustration which may be included by the applicable manufacturer for the Rainwater Harvesting System or any related equipment.

d. To the extent that the Rainwater Harvesting System and any related equipment is located on the side of the house or at any other location that is visible from a street, the size, type, and shielding of, and the materials used in the construction must be submitted to the Architectural Committee for prior written approval.

e. Any Rainwater Harvesting System or related equipment installed hereunder shall be installed in a manner that complies with all applicable laws and regulations and manufacturer's instructions.

### IV. SHINGLE CRITERIA

Subject to the criteria set forth below, owners may install shingles (the "Acceptable Shingles") on the roof of the owner's dwelling and other improvements located upon the owner's property that are designed primarily to: (i) be wind and hail resistant; (ii) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (iii) provide solar generation capabilities. Provided however, the Acceptable Shingles, when installed: (i) must resemble the shingles used or otherwise authorized for use on property in the Community; (ii) must be more durable than and of equal or superior quality to the shingles used or otherwise authorized for use on property in the Community; and (iii) must match the aesthetics of the properties surrounding the owner's property.

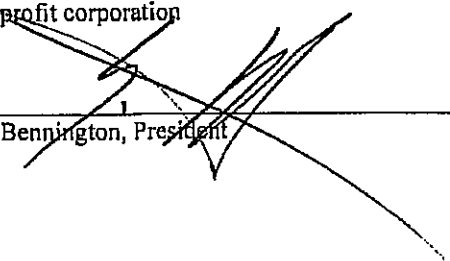
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**EXECUTED** on the date of the acknowledgment set forth herein below, to be effective as set forth above.

Ashton Village Homeowners Association,  
a Texas non-profit corporation


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By:

  
Eric Bennington, President

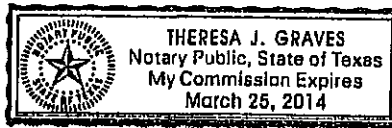
THE STATE OF TEXAS   §  
  §  
COUNTY OF HARRIS   §

This instrument was acknowledged before me on November 21, 2011, by Eric Bennington, President of Ashton Village Homeowners Association, a Texas non-profit corporation, on behalf of said corporation.

  
Notary Public, State of Texas

**WHEN RECORDED, RETURN TO:**

Hoover Slovacek LLP  
5847 San Felipe, Suite 2200  
Houston, Texas 77057



File No. 121786-257 (763348)

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e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees 36.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



*Stan Stanart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS