

THE GARDENS OVER TAPATIO SPRINGS OWNERS ASSOCIATION
SOLAR DEVICES POLICY

STATE OF TEXAS §
 §
COUNTY OF KENDALL §

WHEREAS, the property encumbered by this Solar Devices Policy is that property restricted by the Amended and Restated Declaration of Reservations, Covenants, Conditions and Restrictions for The Gardens Over Tapatio Springs (Garden Home Subdivision) recorded in the Kendall County Real Property Records, Volume 779, Page 257, 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 Gardens Over Tapatio Springs Owners Association (the "Association"); and

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

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 Devices 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 GAC, and formal written approval from the GAC shall be required before installation may begin.

I. SOLAR DEVICES POLICY

A. Prohibited Solar Panels

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

1. It has been adjudicated by a court that the Solar Panels are a threat to public health or safety, or violate a law;
2. Solar Panels that are located on property owned or maintained by the Association;
3. Solar Panels that are located on property that is owned in common by the members;
4. Solar Panels 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 Panels 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 Panels 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 Panels 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 Panels having frames, support brackets, or visible piping or wiring containing colors other than silver, bronze, or black tones;
10. Solar Panels located in a fenced yard or patio that are taller than the fence;
11. Solar Panels that, as installed, void material warranties; and
12. Solar Panels that were installed without prior approval by the Association or GAC.

If the proposed Solar Panels do not fall within one of the above-prohibited categories, the Association or GAC may not withhold approval of the installation of Solar Panels unless the Association or GAC determines in writing that placement of the Solar Panels, 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. GAC APPROVAL

Applicant's submission of plans must include a completed application for GAC 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 GAC.

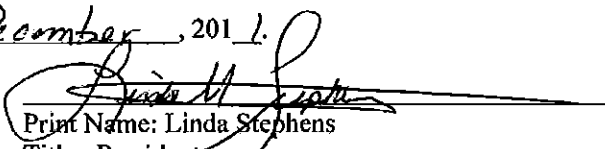
Any installation not in compliance with this Policy will be considered a deed restriction violation.

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

CERTIFICATION

I hereby certify that, as President of The Gardens Over Tapatio Springs Owners Association, the foregoing Solar Devices Policy was approved on the 29th day of December, 2011, by unanimous written consent of the Board of Directors.

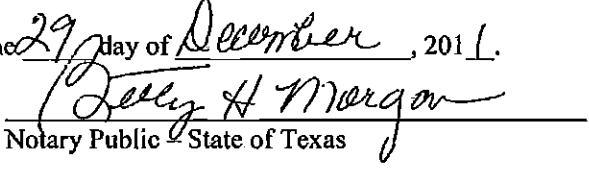
DATED, this the 29th day of December, 2011.


Print Name: Linda Stephens
Title: President

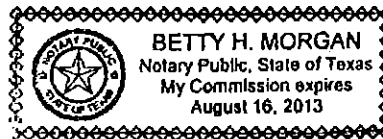
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BEFORE ME, on this day personally appeared Linda Stephens, the President of The Gardens Over Tapatio Springs Owners Association, known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the 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 29th day of December, 2011.


Notary Public - State of Texas

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



Filed & Recorded in :

KENDALL COUNTY
DARLENE HERRIN
COUNTY CLERK

01/03/2012 8:12AM

Document Number: 00262477

Total Fees : \$ 19.00

This Document has been electronically received by
this office for Recording into the Official Public
Records.

We do hereby swear that we do not discriminate
due to Race, Creed, Color, Sex or National
Origin.

STATE OF TEXAS, COUNTY OF KENDALL

I hereby certify that this instrument was e-filed
in File Number Sequence on the date and
at the time stamped hereon and was duly
recorded in the OFFICIAL RECORDS Records of
Kendall County, Texas on

01/03/2012

DARLENE HERRIN, COUNTY CLERK
Kendall County, Texas

By: Paula Pfeiffer Deputy