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NOTICE OF DEDICATORY INSTRUMENTS
for
THE RESERVE AT KINGS POINT COMMUNITY ASSOCIATION

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being the Authorized Representative for The Reserve at Kings Point Community Association ("Association"), a property owners' association as defined in Section 202.001 of the Texas Property Code hereby certifies as follows:

1. Property: The Property to which the Notice applies is described as follows: (7)
 - (a) The Reserve at Kings Point, Section Three (3), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 338, Page 127 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any. 168
 - (b) The Reserve at Kings Point, Section Five (5), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 342, Page 71 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any. 168
 - (c) The Reserve at Kings Point, Section Six (6), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 350, Page 45 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any. 168
 - (d) The Reserve at Kings Point, Section Eight (8), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 353, Page 97 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any. 168
 - (e) The Reserve at Kings Point, Section Nine (9), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 355, Page 137 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any. 168
 - (f) The Reserve at Kings Point, Section Ten (10), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 356, Page 82 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any. 168
 - (g) The Reserve at Kings Point, Section Eleven (11), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 507, Page 121 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any. 168

HARRIS COUNTY CLERK

2. Restrictive Covenants: The description of the documents imposing restrictive covenants on the Property, the amendments to such documents, and the recording information for such documents are as follows:

a. Documents:

- (1) The Reserve at Kings Point Declaration of Covenants, Conditions, and Restrictions.
- (2) Annexation a Portion of Kings Point Village, Section Three into Kings Point Trail Association.
- (3) Kings Point Village Section Three Protective Covenants.
- (5) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (6) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (7) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (8) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (9) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (10) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (11) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (12) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (13) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (14) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (15) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
- (16) Kings Point Village, Section Five Protective Covenants.
- (17) Annexation a Portion of Kings Point Village, Section Five into The Reserve at Kings Point Community Association.
- (18) Annexation a Portion of Kings Point Village, Section Five into The Reserve at Kings Point Community Association.
- (19) Annexation a Portion of Kings Point Village, Section Five into The Reserve at Kings Point Community Association.
- (20) Kings Point Village, Section Six Protective Covenants.
- (21) Annexation a Portion of Kings Point Village, Section Six into The Reserve at Kings Point Community Association.
- (22) Annexation Restricted Reserve "J" Kings Point Section Six into The Reserve at Kings Point Community Association.
- (23) Kings Point Village, Section Eight Protective Covenants.
- (24) Annexation a Portion of Kings Point Village, Section Eight into The Reserve at Kings Point Community Association.
- (25) Protective Covenants Kings Point Village, Section Nine.

- (26) Correction Annexation a Portion of Kings Point Village, Section Nine into The Reserve at Kings Point Community Association.
- (27) Annexation a Portion of Kings Point Village, Section Nine, into The Reserve at Kings Point Community Association.
- (28) Correction Annexation a Portion of Kings Point Village, Section Nine, and Kings Point Village, Section Nine Partial Replat into The Reserve at Kings Point Community Association.
- (29) Annexation a Portion of Kings Point Village, Section Nine Partial Replat into The Reserve at Kings Point Community Association.
- (30) Annexation a Portion of Kings Point Village, Section Ten, into The Reserve at Kings Point Community Association.
- (31) Correction Annexation Kings Point Village, Section Ten, Second Partial Replat into Kings Point Community Association.
- (32) Protective Covenants for a portion of Kings Point Village, Section Eleven.
- (33) Protective Covenants for a portion of Kings Point Village, Section Eleven.
- (34) Annexation Lot 1 of Block 2 in Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (35) Annexation Lot 46 of Block 1 in Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (36) Annexation of a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (37) Annexation of a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (38) Annexation of Lot 3 of Block 1 Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (39) Annexation of Lot 9 of Block 2 in Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (40) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (41) Annexation Lot 4 of Block 2 in Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (42) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (43) Annexation Lot 10 of Block 2 Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (44) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.

- (45) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (46) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (47) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (48) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (49) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.

b. Recording Information:

- (1) Harris County Clerk's File No. L716360 and re-filed under County Clerk's File No. L640574.
- (2) Harris County Clerk's File No. L640575.
- (3) Harris County Clerk's File No. L640576.
- (4) Harris County Clerk's File No. L954106.
- (5) Harris County Clerk's File No. L668835.
- (6) Harris County Clerk's File No. L945186.
- (7) Harris County Clerk's File No. L726353.
- (8) Harris County Clerk's File No. L739676.
- (9) Harris County Clerk's File No. N241886.
- (11) Harris County Clerk's File No. L808933.
- (12) Harris County Clerk's File No. L775588.
- (13) Harris County Clerk's File No. L757079.
- (14) Harris County Clerk's File No. L726355.
- (15) Harris County Clerk's File No. L974002.
- (16) Harris County Clerk's File No. M324154.
- (17) Harris County Clerk's File No. M329690.
- (18) Harris County Clerk's File No. M397613.
- (19) Harris County Clerk's File No. M502147.
- (20) Harris County Clerk's File No. N375769 and re-filed under County Clerk's File No. N394347.
- (21) Harris County Clerk's File No. N418368.
- (22) Harris County Clerk's File No. T798754.
- (23) Harris County Clerk's File No. N856369.
- (24) Harris County Clerk's File No. N856371.
- (25) Harris County Clerk's File No. P197088.
- (26) Harris County Clerk's File No. P218961.
- (27) Harris County Clerk's File No. T679783.
- (28) Harris County Clerk's File No. T317646.
- (29) Harris County Clerk's File No. S114990.
- (30) Harris County Clerk's File No. U140780.
- (31) Harris County Clerk's File No. W517422.
- (32) Harris County Clerk's File No. V663867.
- (33) Harris County Clerk's File No. W401946.
- (34) Harris County Clerk's File No. V663866.
- (35) Harris County Clerk's File No. V677879.
- (36) Harris County Clerk's File No. V780320.
- (37) Harris County Clerk's File No. V808650.
- (38) Harris County Clerk's File No. V968987.

- (39) Harris County Clerk's File No. W214552.
- (40) Harris County Clerk's File No. W401944.
- (41) Harris County Clerk's File No. W547198.
- (42) Harris County Clerk's File No. W670913.
- (43) Harris County Clerk's File No. W693341.
- (44) Harris County Clerk's File No. X375141.
- (45) Harris County Clerk's File No. X420010.
- (46) Harris County Clerk's File No. X685745.
- (47) Harris County Clerk's File No. X717240.
- (48) Harris County Clerk's File No. Y058773.
- (49) Harris County Clerk's File No. Y146215.

3. Other Dedicatory Instruments: In addition to the Restrictive Covenants identified in Paragraph 2 above, the following document is a Dedicatory Instrument governing the Association which was previously recorded in the Official Public Records of Real Property of Harris County, Texas:

a. Document:

(1) Affidavit.

b. Recording Information:

(1) Harris County Clerk's File No. U148673.

4. Dedicatory Instruments: In addition to the Dedicatory Instruments identified in Paragraph 3 above, the following documents are Dedicatory Instruments governing the Association:

- a. Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items for The Reserve at Kings Point Community Association.
- b. Payment Plan Policy for The Reserve at Kings Point Community Association.
- c. Records Retention Policy for The Reserve at Kings Point Community Association.
- d. Open Records Policy for The Reserve at Kings Point Community Association.
- e. Billing and Collection Policy for The Reserve at Kings Point Community Association.

True and correct copies of such Dedicatory Instruments are attached to this Notice.

This Notice is being recorded in the Official Public Records of Real Property of Harris County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Notice is true and correct and that the copies of the Dedicatory Instruments attached to this Notice are true and correct copies of the originals.

Executed on this 17 day of April, 2012.

THE RESERVE AT KINGS POINT COMMUNITY ASSOCIATION

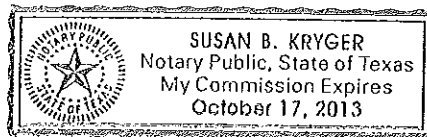
By: Roy D. Hailey
Roy D. Hailey, Authorized Representative

THE STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, the undersigned notary public, on this 17th day of April, 2012 personally appeared Roy D. Hailey, Authorized Representative of The Reserve at Kings Point Community Association, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

Susan B. Kryger
Notary Public in and for the State of Texas

Return to:
Butler | Hailey
8901 Gaylord Drive, Suite 100
Houston, Texas 77024
209971



FILED
2012 APR 17 PM 2:39
Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

GUIDELINES RELATING TO RAIN BARRELS AND RAIN HARVESTING SYSTEMS,
SOLAR ENERGY DEVICES, STORM AND ENERGY EFFICIENT SHINGLES,
FLAGS, AND RELIGIOUS ITEMS

for
THE RESERVE AT KINGS POINT COMMUNITY ASSOCIATION

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Joseph Mazzerella, President of The Reserve at Kings Point Community Association (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 30 day of November 2011, ~~2012~~; with at least a quorum of the Board being present and remaining throughout, and being duly authorized to transact business, the following Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items was duly approved by a majority vote of the members of the Board in attendance:

RECITALS:

1. Chapter 202 of the Texas Property Code was amended to add sections relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, and religious items.

2. The amendments relating to solar energy devices, storm and energy efficient shingles, flags and religious items became effective on June 17, 2011 and the amendments relating to rain barrels and rain harvesting systems became effective on September 1, 2011.

3. The Board of Directors of the Association acting as the Association's Architectural Control Committee under the Declaration (as defined below) desires to adopt guidelines relating to rain barrels and rain harvesting systems, solar energy devices, storm and energy efficient shingles, flags, and religious items consistent with the applicable provisions in Chapter 202 of the Texas Property Code.

GUIDELINES:

Section 1. Definitions. Capitalized terms used in these Guidelines have the following meanings:

1.1. **ACC** - The Architectural Control Committee for The Reserve at Kings Point Community Association.

1.2. **Declaration** – shall mean the following:

• Documents:

(1) The Reserve at Kings Point Declaration of Covenants, Conditions, and Restrictions.

- (2) Annexation a Portion of Kings Point Village, Section Three into Kings Point Trail Association.
- (3) Kings Point Village Section Three Protective Covenants.
- (5) Annexation a Portion of Kings Point Village, Section Three into The Reserve at Kings Point Community Association.
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- (29) Annexation a Portion of Kings Point Village, Section Nine Partial Replat into The Reserve at Kings Point Community Association.
- (30) Annexation a Portion of Kings Point Village, Section Ten, into The Reserve at Kings Point Community Association.

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- (33) Protective Covenants for a portion of Kings Point Village, Section Eleven.
- (34) Annexation Lot 1 of Block 2 in Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
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- (36) Annexation of a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
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- (38) Annexation of Lot 3 of Block 1 Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
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- (40) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (41) Annexation Lot 4 of Block 2 in Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (42) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (43) Annexation Lot 10 of Block 2 Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
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- (48) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.
- (49) Annexation a Portion of Kings Point Village, Section Eleven, into The Reserve at Kings Point Community Association.

Any subsequent amendments and supplements thereof.

- Recording Information:

- (1) Harris County Clerk's File No. L716360 and re-filed under County Clerk's File No. L640574.
- (2) Harris County Clerk's File No. L640575.
- (3) Harris County Clerk's File No. L640576.
- (4) Harris County Clerk's File No. L954106.
- (5) Harris County Clerk's File No. L668835.
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- (7) Harris County Clerk's File No. L726353.

- (8) Harris County Clerk's File No. L739676.
- (9) Harris County Clerk's File No. N241886.
- (11) Harris County Clerk's File No. L808933.
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- (15) Harris County Clerk's File No. L974002.
- (16) Harris County Clerk's File No. M324154.
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- (27) Harris County Clerk's File No. T679783.
- (28) Harris County Clerk's File No. T317646.
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- (41) Harris County Clerk's File No. W547198.
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- (44) Harris County Clerk's File No. X375141.
- (45) Harris County Clerk's File No. X420010.
- (46) Harris County Clerk's File No. X685745.
- (47) Harris County Clerk's File No. X717240.
- (48) Harris County Clerk's File No. Y058773.
- (49) Harris County Clerk's File No. Y146215.

- 1.3. **Dedicatory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties within The Reserve at Kings Point, as more particularly defined in Section 202.001 of the Texas Property Code.
- 1.4. **Guidelines** - These Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items for The Reserve at Kings Point Community Association.

1.5. **The Reserve at Kings Point** – shall mean the following:

- The Reserve at Kings Point, Section Three (3), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 338, Page 127 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- The Reserve at Kings Point, Section Five (5), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 342, Page 71 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- The Reserve at Kings Point, Section Six (6), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 350, Page 45 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- The Reserve at Kings Point, Section Eight (8), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 353, Page 97 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- The Reserve at Kings Point, Section Nine (9), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 355, Page 137 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- The Reserve at Kings Point, Section Ten (10), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 356, Page 82 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- The Reserve at Kings Point, Section Eleven (11), a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 507, Page 121 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

Section 2. Rain Barrels and Rain Harvesting Systems. Section 202.007 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing rain barrels or a rain harvesting system on the property Owner's Lot. However, Section 202.007 of the Texas Property Code further provides that a property owners' association is not required to permit a rain barrel or rainwater harvesting system to be installed on a Lot in particular circumstances or restricted from regulating rain barrels and rain harvesting devices in specified manners.

The following Guidelines shall be applicable to rain barrels and rain harvesting systems in The Reserve at Kings Point:

- 2.1. **ACC Approval.** In order to confirm the proposed rain barrel or rain harvesting device is in compliance with these Guidelines, Owners are encouraged to apply to the ACC for prior approval. The Association may require an Owner to remove a

rain barrel or rain harvesting device that does not comply with requirements of these Guidelines.

2.2. **Location.** A rain barrel or rain harvesting system is not permitted on a Lot between the front of the residential dwelling on the Lot and an adjacent street.

2.3. **Color and Display.** A rain barrel or rain harvesting system is not permitted:

- a. unless the color of the rain barrel or rain harvesting system is consistent with the color scheme of the residential dwelling on the Owner's Lot; or
- b. if the rain barrel or rain harvesting system displays any language or other content that is not typically displayed by the rain barrel or rain harvesting system as it is manufactured.

2.4. **Regulations if Visible.** If a rain barrel or rain harvesting system is located on the side of the residential dwelling on the Lot or at any other location on the Lot that is visible from a street, another Lot, or a common area, the rain barrel or rain harvesting system must comply with the following regulations:

a. Rain Barrel:

- (i) Size: A maximum height of forty-two (42) inches and a maximum capacity of fifty (50) gallons.
- (ii) Type: A rain barrel that has the appearance of an authentic barrel and is either entirely round or has a flat back to fit flush against a wall. A rain barrel must have a manufactured top or cap to prevent or deter the breeding of mosquitoes.
- (iii) Materials: Wood, metal, polyethylene or plastic resin designed to look like an authentic barrel in brown or other earthtone color.
- (iv) Screening: The rain barrel must be screened with evergreen landscaping to minimize its visibility from a street, another Lot, and common area, unless otherwise approved in writing by the ACC.
- (v) Downspout: The downspout which provides water to the rain barrel must be the same color and material as the gutters on the residential dwelling, if any. Further, the downspout must be vertical and attached to the wall against which the rain barrel is located.

b. Rain Harvesting System: A rain harvesting system must collect and store the water underground. The portion of a rain harvesting system that is above-ground must appear to be a landscape or water feature. The above-ground portion of the rain harvesting system shall not extend above the surface of the ground by more than thirty-six (36) inches. The above-ground portion of the rain harvesting system must be screened with evergreen landscaping to minimize visibility from a street, another Lot, and common area, unless otherwise approved in writing by the ACC.

Provided that, the regulations in this Section 2.4 shall be applicable only to the extent that they do not prohibit the economic installation of the rain barrel or rain harvesting system on the Lot and there is a reasonably sufficient area on the Lot in which to install the rain barrel or rain harvesting system.

Section 3. Solar Energy Devices. Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing a solar energy device except as otherwise provided therein. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "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 power". The term 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.

The following Guidelines shall be applicable to solar energy devices in The Reserve at Kings Point:

- 3.1. **ACC Approval.** The installation of a solar energy device requires the prior written approval of the ACC. Provided that, the ACC may not withhold approval if these Guidelines are met or exceeded, unless the ACC determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the device by all Owners of property adjoining the Lot in question constitutes prima facie evidence that substantial interference does not exist.
- 3.2. **Location.** A solar energy device is not permitted anywhere on a Lot except on the roof of the residential dwelling or other permitted structure on the Lot or in a fenced yard or patio within the Lot.
- 3.3. **Devices Mounted on a Roof.** A solar energy device mounted on the roof of the residential dwelling or other permitted structure on a Lot:
 - a. shall not extend higher than or beyond the roofline;
 - b. shall conform to the slope of the roof and have a top edge that is parallel to the roofline;
 - c. shall have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
 - d. shall be located on the roof as designated by the ACC unless an alternate location increases the estimated annual energy production of the device by more than ten percent (10%) above the energy production of the device if located in the area designated by the ACC. For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.
- 3.4. **Visibility.** A solar energy device located in a fenced yard or patio shall not be taller than or extend above the fence enclosing the yard or patio.

- 3.5. **Warranties.** A solar energy device shall not be installed on a Lot in a manner that voids material warranties.
- 3.6. **Limitations.** A solar energy device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

Section 4. Storm and Energy Efficient Shingles. Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property Owner from installing shingles that:

- a. are designed to:
- (i) be wind and hail resistant;
 - (ii) provide heating and cooling efficiencies greater than those provided by customary composition shingles; or
 - (iii) provide solar generation capabilities; and
- b. when installed:
- (i) resemble the shingles used or otherwise authorized for use on property in the subdivision;
 - (ii) are more durable than and are of equal or superior quality to the shingles described below; and
 - (iii) match the aesthetics of the property surrounding the Owner's property.

4.1. **ACC Approval.** In order to confirm the proposed shingles conform to the foregoing Guidelines, Owners are encouraged to apply to the ACC for prior approval. The Association may require an Owner to remove shingles that do not comply with these Guidelines.

4.2. **Regulations.** When installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in the Section of The Reserve at Kings Point where the Lot is located, as required by the applicable sections of the Declaration to the Lot. In addition, the storm or energy efficient shingles must match the aesthetics of the Lots surrounding the Lot in question.

Section 5. Flags. Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits, restricts, or has the effect of prohibiting or restricting a flag of the United States of America, the flag of the State of Texas, or an official or replica flag of any branch of the United States armed forces, except as otherwise provided therein.

The following Guidelines shall be applicable to flagpoles and the three (3) types of flags listed in Section 202.011 of the Texas Property Code:

- 5.1. **ACC Approval.** Above-ground flagpoles, flagpole stands and/or footings and illumination under Section 5.6 proposed to be placed in front of the front building setback line for a Lot or outside of any other recorded setbacks must be approved by the ACC. In order to confirm a proposed flagpole conforms to the following standards, Owners are encouraged to apply to the ACC for prior approval for all other flagpoles (freestanding or attached). The Association may require an Owner

to remove flagpoles, flagpole footings, or flags that do not comply with these Guidelines.

- 5.2. **Flag of the United States.** The flag of the United States must be displayed in accordance with applicable provisions of 4 U.S.C. Sections 5-10, which address, among other things, the time and occasions for display, the position and manner of display, and respect for the flag.
- 5.3. **Flag of the State of Texas.** The flag of the State of Texas must be displayed in accordance with applicable provisions of Chapter 3100 of the Texas Government Code, which address, among other things, the orientation of the flag on a flagpole or flagstaff, the display of the flag with the flag of the United States, and the display of the flag outdoors.
- 5.4. **Flagpoles.**
 - a. Not more than one (1) freestanding flagpole or flagpole attached to the residential dwelling or garage (on a permanent or temporary basis) is permitted on a Lot, which may not exceed five inches (5") in diameter, without the approval of the ACC.
 - b. A freestanding flagpole shall not exceed twenty (20) feet in height, measured from the ground to the highest point of the flagpole.
 - c. A flagpole attached to the residential dwelling or garage shall not exceed six (6) feet in length.
 - d. A flagpole, whether freestanding or attached to the residential dwelling or garage, must be constructed of permanent, long-lasting materials with a finish appropriate to materials used in the construction of the flagpole and harmonious with the residential dwelling on the Lot on which it is located.
 - e. A flagpole shall not be located in an easement or encroach into an easement.
 - f. A freestanding flagpole shall not be located nearer to a property line of the Lot than the applicable setbacks as either shown on the recorded plat or as set forth in the Declaration. Provided a freestanding flagpole may be located up to five feet (5') in front of the front building setback line for a Lot, if any above-ground stands and/or footings are approved in accordance with Section 5.1.
 - g. A flagpole must be maintained in good condition; a deteriorated or structurally unsafe flagpole must be repaired, replaced or removed.
 - h. An Owner is prohibited from locating a flagpole on property owned or maintained by the Association.
 - i. A freestanding flagpole must be installed in accordance with the manufacturer's guidelines and specifications.
 - j. If the footing and/or stand for a freestanding flagpole extends above the surface of the ground, the ACC may require the installation of landscaping to screen the stand and/or footing from view.