GUIDELINES RELATING TO RAIN BARRELS AND RAIN HARVESTING SYSTEMS, SOLAR ENERGY DEVICES, STORM AND ENERGY EFFICIENT SHINGLES, FLAGS, AND RELIGIOUS ITEMS
for
TREELINE COMMUNITY ASSOCIATION, INC.

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

I, Dan Gezella, Secretary of Treeline Community Association, Inc. (the "Association"), do hereby certify that at a joint meeting of the Board of Directors of the Association (the "Board") and the Association's New Construction Committee ("NC") and Modifications Committee ("MC") duly called and held on the 3rd day of November, 2011, with at least a quorum of the Board, NC and MC 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 both the Board, NC and MC 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 and the Association's Modifications Control Committee 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. **Declaration** – The Declaration of Covenants, Conditions and Restrictions for Treeline recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. 20070741932 and any subsequent amendments and supplements.

1.2. **Dedicatory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties within Treeline, as more particularly defined in Section 202.001 of the Texas Property Code.

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1.3. **Guidelines** - These Guidelines Relating to Rain Barrels and Rain Harvesting Systems, Solar Energy Devices, Storm and Energy Efficient Shingles, Flags, and Religious Items for Treeline Community Association, Inc.

1.4. **MC** - The Modifications Committee for Treeline Community Association, Inc.

1.5. **NC** - The New Construction Committee for Treeline Community Association, Inc.

1.6. **Treeline** - The residential development located in Harris County, Texas comprised of Treeline, Section One (1).

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 Treeline:

2.1. **NC or MC 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 NC or MC (as applicable) 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

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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 NC or MC (as applicable).

(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 NC or MC (as applicable).

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.

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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, except during the development period, the Declarant may prohibit or restrict an Owner from installing a solar energy device. 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 Treeline:

3.1. Declarant Approval. During the development period the Declarant (as defined in the Declaration) must approve in writing the installation of a solar energy device. If the Declarant does not approve the installation the solar energy device cannot be installed.

3.2. NC or MC Approval. The installation of a solar energy device requires the prior written approval of the NC or MC (as applicable). Provided that, the NC or MC (as applicable) may not withhold approval if these Guidelines are met or exceeded, unless the NC or MC (as applicable) determines in writing that placement of the

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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.

3.3. **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.

3.4. **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 NC or MC (as applicable) 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 NC or MC (as applicable). For determining estimated annual energy production, the parties shall use a publicly available modeling tool provided by the National Renewable Energy Laboratory.

3.5. **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.

3.6. **Warranties**. A solar energy device shall not be installed on a Lot in a manner that voids material warranties.

3.7. **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:

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(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. **NC or MC Approval**. In order to confirm the proposed shingles conform to the foregoing Guidelines, Owners are encouraged to apply to the NC or MC (as applicable) for prior approval. The Association may require an Owner to remove shingles that do not comply with these Guidelines and Declaration.

4.2. **Regulations**. Article VI, Section 7 of the Declaration requires roofing materials to be as follows:

> The roof pitch of each residence shall have a minimum of six (6) feet of vertical rise for each twelve (12) feet of horizontal length. The roofs of all buildings shall be constructed or covered with fiberglass or dimensional shingles of a color approved by the New Construction Committee. Any other type of roofing material shall be permitted only at the discretion of the New Construction Committee. All roof stacks must be painted to blend with the roof color.

Accordingly, 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 Treeline as set forth above. 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. **NC or MC Approval**. Above-ground flagpole stands and/or footings and illumination under Section 5.6 must be approved by the NC or MC (as applicable). Additionally, in order to confirm a proposed flagpole conforms to the following standards, Owners are encouraged to apply to the NC or MC (as applicable) for prior approval. 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

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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 NC or MC (as applicable).

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, however, on a case-by-case basis (depending on the size and configuration of the Lot) a freestanding flagpole may be located in front of the front building setback line for a Lot, if approved by the NC or MC (as applicable).

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 NC or MC (as applicable) may require the installation of landscaping to screen the stand and/or footing from view.

5.5. Flags.

a. Only the three (3) types of flags addressed in this Section shall be displayed on a freestanding flagpole. Other types of flags may be displayed on a wall-mounted flagpole as otherwise provided in architectural guidelines adopted by the Association or as otherwise permitted by the Association.

b. Not more than two (2) of the permitted types of flags shall be displayed on a flagpole at any given time.

c. The maximum dimensions of a displayed flag on a freestanding flagpole that is less than fifteen (15) feet in height or on a flagpole attached to the residential dwelling or garage shall be three (3) feet by five (5) feet.

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d. The maximum dimensions of a displayed flag on a freestanding flagpole that is fifteen (15) feet in height or greater is four (4) feet by six (6) feet.

e. A displayed flag must be maintained in good condition; a deteriorated flag must be replaced or removed.

f. A flag must be displayed on a flagpole. A flag shall not be attached to the wall of the residential dwelling or other structure on a Lot or a fence, or be displayed in a window of the residential dwelling or other structure on a Lot.

5.6. **Illumination**. Illumination of a flag is permitted but the lighting must be in-ground and have a maximum of 150 watts, unless otherwise approved by the NC or MC (as applicable). High intensity lighting such as mercury vapor, high pressure sodium, or metal halide is not permitted. The lighting is required to be compatible with exterior lighting within the subdivision and appropriate for a residential neighborhood. Lighting used to illuminate a flag shall be positioned in a manner so that the lighting is not directed toward an adjacent Lot or a street adjacent to the Lot and does not otherwise unreasonably affect an adjacent Lot.

5.7. **Noise**. An external halyard on a flagpole is required to be securely affixed to the flagpole so that it is not moved by the wind and thereby permitted to clang against the flagpole.

Section 6. Religious Items. Section 202.018 of the Texas Property Code provides that a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property Owner or resident from displaying or affixing on the entry to the Owner's or resident's dwelling one or more religious items, the display of which is motivated by the Owner's or resident's sincere religious belief, except as otherwise provided therein. Section 202.001(4) of the Texas Property Code defines "restrictive covenant" to mean any covenant, condition, or restriction contained in a dedicatory instrument.

The following Guidelines shall be applicable to the display of religious items in Treeline:

6.1. **NC or MC Approval**. As authorized by the Declaration and, therefore, allowed by Section 202.018(c) of the Texas Property Code any alteration to the entry door or door frame must first be approved by the NC or MC (as applicable).

6.2. **Location**. Except as otherwise provided in this Section, a religious item is not permitted anywhere on a Lot except on the entry door or door frame of the residential dwelling. A religious item shall not extend past the outer edge of the door frame.

6.3. **Size**. The religious item(s), individually or in combination with each other religious item displayed or affixed on the entry door or door frame, shall not have a total size of greater than twenty-five (25) square inches.

6.4. **Content**. A religious item shall not contain language, graphics, or any display that is patently offensive to persons of ordinary sensibilities.

6.5. **Limitation**. A religious item shall not be displayed or affixed on an entry door or door frame if it threatens the public health or safety or violates a law.

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6.6. **Color of Entry Door and Door Frame**. An Owner or resident is not permitted to use a color for an entry door or door frame of the Owner's or resident's residential dwelling or change the color of an entry door or door frame that is not authorized by the NC or MC (as applicable).

6.7. **Other**. Notwithstanding the above provisions: (i) the NC or MC (as applicable) shall have the authority to allow a religious statue, such as by way of example and not in limitation, a statue of St. Francis of Assisi or other religious item in a landscape bed or other portion of a Lot, and (ii) these Guidelines shall not prohibit or apply to temporary seasonal decorations related to religious holidays.

In the event any provision in these Guidelines conflicts or is inconsistent with any provision in the Declaration or any Architectural Guidelines for Treeline, the provision in these Guidelines shall control.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing resolution was approved by a majority vote of the Board of Directors, NC and MC as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

TO CERTIFY which witness my hand this the 14 day of January, 2013.

TREELINE COMMUNITY ASSOCIATION, INC.

By: _____
Dan Gezella, Secretary

THE STATE OF TEXAS §
§
COUNTY OF Harris §

BEFORE ME, the undersigned notary public, on this 14 day of January 2013 personally appeared Dan Gezella, Secretary of Treeline Community Association, Inc., 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.

_____
Notary Public in and for the State of Texas

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

SUSAN A. JONES
MY COMMISSION EXPIRES
November 2, 2016

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