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Hays County Texas
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Document Number: 2014-14004719
Recorded As : ELECTRONIC RECORDING

Recorded On: February 26, 2014
Recorded At: 08:54:59 am
Number of Pages: 5
Book-VI/Pg: Bk-OPR VI-4862 Pg-856
Recording Fee: \$38.00

Parties:

Direct- ELLIOTT RANCH HOMEOWNERS ASSO
Indirect-

Receipt Number: 360628
Processed By: Janie Flores

***** THIS PAGE IS PART OF THE INSTRUMENT *****

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.



I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Liz Q. Gonzalez

Liz Q. Gonzalez, County Clerk

**CERTIFIED RESOLUTION OF THE BOARD OF DIRECTORS
OF ELLIOTT RANCH HOMEOWNERS ASSOCIATION, INC.**

**ADOPTION OF PERMITTED RULES AND REGULATIONS REGARDING USE OF DROUGHT-
RESISTANT LANDSCAPING AND WATER-CONSERVING NATURAL TURF; AND**

**AMENDMENT OF PREVIOUSLY ADOPTED RULES AND REGULATIONS REGARDING THE
DISPLAY OF PERMITTED FLAGS**

The undersigned, Raymond Duley, as the duly elected, qualified and acting President of the Elliott Ranch Homeowners Association, Inc., a Texas nonprofit corporation (the "Association"), hereby certifies on behalf of the Association that the following resolution was duly adopted by the Board of Directors of the Association (the "Board") at a meeting of the Board held on February 24, 2014, and that such preamble and resolution have not been amended or rescinded and are in full force and effect on the date hereof.

WHEREAS, the Association previously adopted those certain Statutory-Based Rules & Regulations for Elliott Ranch Homeowners Association, recorded at Document No. 2011-11029542 in the Official Public Records of Hays County, Texas, which establishes certain limited permitted regulations for the installation, placement and/or display of solar panels, rain barrels, flags and religious displays (the "2011 Rules").

WHEREAS, a certain recently-enacted amendment to Section 202.011 of the Texas Property Code (the "Code") modifies the permitted regulations that the Association may enforce concerning the display of certain protected flags;

WHEREAS, a certain recently-enacted amendment to Section 202.007 of the Code purports to prohibit the Association from enforcing a provision in its dedicatory instrument that would restrict a property owner from using drought-resistant landscaping or water-conserving natural turf on his or her property;

WHEREAS, Section 202.007 of the Code, as amended, authorizes the Association to adopt and enforce certain permissible dedicatory instrument provisions that would require a property owner to submit a detailed description or plan for the installation of drought-resistant landscaping or water-conserving natural turf to the Association for its review and approval in order to ensure, to the extent practicable, maximum aesthetic compatibility of proposed drought-resistant landscaping or water-conserving natural turf with other landscaping in the development.

WHEREAS, the Board desires to modify the flag regulations within 2011 Rules so as to conform them to Section 202.011 of the Code, as amended, and to adopt such permissible regulations allowed by Section 202.007 of the Code, as amended, concerning the installation of drought-resistant landscaping and water-conserving natural turf.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the amendment to the 2011 Rules set forth below and the additional statutory-based rules and regulations set forth on Exhibit "A", attached hereto and incorporated herein by reference.

FLAGS REGULATIONS. Section A-4 of the Bylaws is hereby deleted in its entirety and replaced with the following:

A-4 Size, Number & Location. Permitted Flags up to five feet (5') in height by eight feet (8') in width may be flown or displayed on a property owner's lot. Up to three Permitted Flags may be flown simultaneously on a lot. Only one in-ground flagpole up to 20 feet in height may be installed on a lot. An in-ground

flagpole may only be located within a lot's: (a) statutorily-defined "front yard"; or (b) a fenced portion of a rear or side yard. For purposes of interpreting this regulation, Section 202.011 of the Texas Property Code defines a lot's "front yard" as a yard within a lot having a front building setback line with a setback that is no less than 15 feet and that extends the full width of the lot between the front lot line and the front building setback line. A flagstaff may be attached to any portion of a residential structured owned by the lot owner that is not maintained by the Association. If a flag is flown from a flagstaff that is wall-mounted to the a portion of a residential structure that faces a public right of way, the flagstaff should be projected at an angle. An owner may not install or affix a flag display in a common area or within an Area of Common Responsibility.

BE IT RESOLVED, FURTHER, that the undersigned, Raymond Duley, qualified and acting President of the Association, hereby certifies on behalf of the Association that this Resolution and statutory-based rules and regulations set forth within the instrument attached hereto as Exhibit A were properly adopted by the Association's Board of Directors.

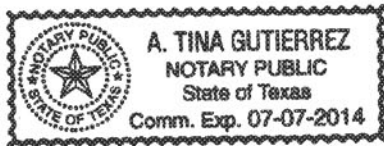
IN WITNESS WHEREOF, the undersigned has executed this Certificate as President on behalf of the Association to be effective upon recording in the Official Public Records of Hays County.

By: Raymond Duley
Printed Name: Raymond Duley
Title: President

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on February 25, 2014, by Raymond Duley, President of Elliott Ranch Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



A. Tina Gutierrez
Notary Public Signature

[seal]

AFTER RECORDING PLEASE RETURN TO:

Gregory S. Cagle
4330 Gaines Ranch Loop, Ste. 150
Austin, Texas 78735

EXHIBIT A

STATUTORY-BASED RULES & REGULATIONS FOR ELLIOTT RANCH HOMEOWNERS ASSOCIATION, INC.

I. OPENING RECITALS

1.1 Declaration. These Statutory-Based Rules & Regulations for Elliott Ranch Homeowners Association, Inc. apply to all real property that is subject to the Amended and Restated Declaration of Covenants and Restrictions for Elliott Ranch, recorded at Volume 1512, Page 913 of the Official Public Records of Hays County, Texas, as amended and/or supplemented (collectively, the "**Declaration**"), such real property being hereinafter referred to as the "**Development**" and each legally plated lot or tract contained therein as a "**Lot**."

1.2 Authority. The Declaration contains provisions which broadly prohibit modifications, additions, installations, or improvements to Lots without the prior written approval of the Association's Architectural Control Committee (hereinafter referred to as the "**Architectural Control Committee**"). A certain recently-enacted amendment to Section 202.007 of the Texas Property Code purports to override or void any provision in the Declaration that would restrict or prohibit a property owner from using drought-resistant landscaping or water-conserving natural turf on his or her property. Notwithstanding, such amendment to Section 202.007 of the Texas Property Code also authorizes the Association to adopt and enforce certain permissible dedicatory instrument provisions that would require a property owner to submit a detailed description or plan for the installation of drought-resistant landscaping or water-conserving natural turf to the Association for its review and pre-approval in order to ensure, to the extent practicable, maximum aesthetic compatibility of proposed drought-resistant landscaping or water-conserving natural turf with other landscaping in the Development.

1.3 Construction & Conflict. These Statutory-Based Rules & Regulations are drafted to be compliant with Chapter 202 of the Texas Property Code, to which it is inferior. Accordingly, the terms and provisions of these Statutory-Based Rules & Regulations are to be liberally construed to give effect to the purposes and intent of the underlying statutes, and may not be construed as a way to evade the protections, permissions, or requirements of Chapter 202. As a convenience to the Association's governing body, members, and managers, the pertinent provisions of applicable laws are paraphrased if not restated in these Statutory-Based Rules & Regulations. If any provision of these Statutory-Based Rules & Regulations conflicts with Chapter 202 of the Texas Property Code, inaccurately paraphrases its provisions, or inadvertently omits an aspect of such law, the corresponding provision in Chapter 202 controls. In the event of an apparent conflict between a provision of these Statutory-Based Rules & Regulations and a provision in another Dedicatory Instrument applicable to the Association or its members, an effort must be made to construe such provisions so as to give effect to both, if such construction is reasonable. Otherwise, the provision in these Statutory-Based Rules & Regulations is the higher authority for the limited purpose for which it is adopted, superseded only by public law. The effect of a general statement is not limited by the enumeration of specific matters similar to the general.

1.4 Severability. Invalidation of any provision of these Statutory-Based Rules & Regulations by judgment or court order or subsequent statutory enactment does not affect any other provision, which remains in full force and effect.

1.5 Effective Date. This instrument becomes effective as a "Dedicatory Instrument" of the Association and the Development on the date it is publicly recorded in the Official Public Records of the county or counties in which all or a portion of the Development is located.

II. ADOPTION OF STATUTORY-BASED RULES & REGULATIONS

The following Statutory-Based Rules & Regulations are hereby adopted as a Governing Document of the Association, and as a "Dedicatory Instrument" for the Development:

STATUTORY-BASED RULES AND REGULATIONS REGARDING USE OF DROUGHT-RESISTANT LANDSCAPING AND WATER-CONSERVING NATURAL TURF

1. Use of Drought-Resistant Landscaping and Water-Conserving Natural Turf. To the extent permitted and protected by applicable Texas law (Texas Property Code Section 202.007), a Lot owner may install drought-resistant landscaping or water-conserving natural turf on his or her lot, subject to the requirements of these Statutory-Based Rules and Regulations.
2. Aesthetic Compatibility of Drought-Resistant Landscaping and Water-Conserving Natural Turf. Drought-resistant landscaping and/or water-conserving natural turf to be installed on an owner's Lot pursuant to these Statutory-Based Rules and Regulations must, to the maximum extent practicable, be aesthetically compatible with other landscaping in the Development.
3. Submission of Landscaping Plan to the Architectural Control Committee. To the extent necessary, the authority of the Association to review a Lot owner's plan for proposed drought-resistant landscaping or water-conserving natural turf for aesthetic compatibility is hereby delegated to the Architectural Control Committee. Prior to the installation of drought-resistant landscaping or water-conserving natural turf on an owner's Lot, a written plan containing a detailed description of the type and location of such drought-resistant landscaping or water-conserving natural turf (the "Landscaping Plan") must be submitted to and approved in writing by the Architectural Control Committee. Such Landscaping Plan must include a site plan that has been marked to clearly indicate the proposed areas to be landscaped and the type of landscaping to be installed in each such proposed area. The Landscaping Plan and/or the included site plan must show the location of all proposed plant materials and include a plant legend comprised of plant species, quantities, and sizes at the time of planting. In addition, the Landscaping Plan and/or the included site plan must also show the location, type and color of all proposed hardscape, rock, stone, gravel and/or other aggregate material that will be installed in conjunction with or as part of the drought-resistant landscaping or water-conserving natural turf. Upon request by the Architectural Control Committee, the Lot owner must provide the Architectural Control Committee with samples of any proposed hardscape, rock, stone, gravel and/or other aggregate material identified in the Landscaping Plan for the Architectural Control Committee's review.
4. Review and Approval of Landscaping Plan by the Architectural Control Committee. The Architectural Control Committee shall review a proposed Landscaping Plan and all included information submitted by the Lot owner for the purpose of ensuring, to the extent practicable, maximum aesthetic compatibility of the proposed drought-resistant landscaping or water-conserving natural turf with other pre-existing landscaping in the Development. The Architectural Control Committee may not unreasonably deny or withhold approval of a proposed Landscaping Plan or unreasonably determine that a proposed Landscaping Plan is aesthetically incompatible with other pre-existing landscaping in the Development. Notwithstanding, the Architectural Control Committee may, as a condition to and in conjunction with approving a Landscaping Plan, impose reasonable conditions, modifications and/or restrictions upon a proposed Landscaping Plan if it determines, in its sole discretion, that such conditions, modifications, and/or restrictions would ensure maximum aesthetic compatibility of the proposed drought-resistant landscaping or water-conserving natural turf with other pre-existing landscaping in the Development and such conditions, modifications and/or restrictions would not prohibit the economic installation of the proposed drought-resistant landscaping or water-conserving natural turf on the owner's Lot as approved.