

**CERTIFIED RESOLUTIONS OF THE BOARD OF DIRECTORS  
OF ELLIOTT RANCH HOMEOWNERS ASSOCIATION, INC.  
ADOPTION OF PERMITTED RULES AND REGULATIONS  
UNDER CHAPTER 202 OF THE TEXAS PROPERTY CODE**

The undersigned, Koma Donworth, as the duly elected, qualified and acting Secretary of Elliott Ranch Homeowners Association, Inc. (the "**Association**"), hereby certifies on behalf of the Association that the following resolutions were duly adopted by the Board of Directors of the Association (the "**Board**") at a meeting of the Board held on November 28, 2011, and that such preamble and resolutions have not been amended or rescinded and are in full force and effect on the date hereof.

WHEREAS, Chapter 202 of the Texas Property Code (the "**Code**") authorizes the Association to adopt certain dedicatory instrument provisions to impose certain limited permitted regulations for the installation, placement and/or display of solar panels, rain barrels, flags and religious displays; and

WHEREAS, the Board desires to adopt such permissible regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the regulations set forth on Exhibit "A", attached hereto and incorporated herein by reference.

BE IT RESOLVED, FURTHER, that, the Secretary of the Association is hereby authorized and empowered, in the name and on behalf of the Association, from time to time to do and perform all such further acts and things and to execute and deliver all such further instruments as he or she may deem necessary or advisable to carry out and effectuate the intent and purposes of the foregoing resolutions and of the actions referred to therein.

BE IT RESOLVED, FURTHER, that any actions taken by the officers or directors of the Association prior to the date of this action or hereafter that are within the authority conferred hereby are hereby ratified, confirmed and approved as the act and deed of the Association.

***[SIGNATURE PAGE FOLLOWS]***

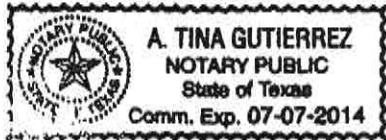
IN WITNESS WHEREOF, the undersigned has executed this Certificate as Secretary on behalf of the Association to be effective as of January 1, 2012.

By: *Koma Donworth*  
Printed Name: Koma Donworth  
Title: Secretary

STATE OF TEXAS §

COUNTY OF HAYS §

This instrument was acknowledged before me on December 6 2011, by Koma Donworth, Secretary of Elliott Ranch Homeowners Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.



*A. Tina Gutierrez*  
Notary Public Signature

**AFTER RECORDING PLEASE RETURN TO:**

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

**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 in Volume 1512, Page 913 in the Official Public Records of Hays County, Texas, as amended and supplemented (the "**Declaration**"), such real property constituting the "Elliott Ranch Subdivision."

1.2 Authority. The Declaration contains provisions which broadly prohibit modifications, additions, installations, or improvements to yards and to the exteriors of homes on every lot in the Property without the prior written approval of the Association's Board of Directors, an Architectural Control Committee, or the Declarant, as the case may be. Certain recently-enacted State laws purport to override or void any provision in the Declaration that would restrict or prohibit property owners from making certain changes to their lots and homes related to the installation, placement and/or display of solar panels, rain barrels, flags and religious displays. Such State laws, however, authorize the Association to adopt and enforce certain permissible dedicatory instrument provisions that impose certain limited regulations for the installation, placement and/or display of solar panels, rain barrels, flags and religious displays.

1.3 Construction & Conflict. These Statutory-Based Rules & Regulations are drafted to be compliant with certain State laws to which they are inferior. Accordingly, the terms and provisions of these 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 State law. As a convenience to the Association's leaders, members, and managers, the pertinent provisions of applicable laws are paraphrased if not restated in these Rules & Regulations. If any provision of these Rules & Regulations conflict with State law, inaccurately paraphrases State law, or inadvertently omits an aspect of State law, the corresponding provision in State law controls. In the event of an apparent conflict between a provision of these Rules & Regulations and a provision in another Governing Document, an effort must be made to construe the provisions so as to give effect to both, if such construction is reasonable. Otherwise, the provision in these 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 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 Governing Document and a "Dedicatory instrument" of the Association and the Elliott Ranch Subdivision 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 Elliott Ranch Subdivision is located.

## II. STATUTORY-BASED RULES & REGULATIONS

The following Rules & Regulations are hereby adopted as a Governing Document of the Association, and as a "Dedicatory Instrument" for the Elliott Ranch Subdivision:

### A. FLAG REGULATIONS

A-1 Display of Flags. "Permitted Flags" may be flown every day on a property owner's lot to the full extent protected by applicable law (such as Texas Property Code Section 202.011 and the federal "Freedom to Display the American Flag Act of 2005"), subject only to the requirements of these Flag Regulations. These Flag Regulations will be construed liberally to protect the right of residents to fly Permitted Flags.

A-2 Permitted Flags. Only the following flags are considered "Permitted Flags": the United States flag ("Old Glory" or "Stars & Stripes"), the Texas state flag ("Lone Star Flag"), and the official or replica flag of any branch of the United States armed forces. As used in these Flag Regulations, "flag" means "Permitted Flag" in most contexts.

A-3 Architectural Control Committee. Property owners are encouraged (but not required, except for illumination) to apply to the Architectural Control Committee for confirmation that the proposed flag, flagpole, or flag staff conforms to the parameters of applicable law and these Flag Regulations. The Association may require an owner to repair, replace or remove a flag, flagpole, and/or flag apparatus that does not comply with the requirements of applicable law or these Flag Regulations.

A-4 Size, Number & Location. Permitted Flags up to eight feet (8') in height by five feet (5') 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. Space permitting, the in-ground flagpole must be located in a fenced portion of a rear or side yard, within the building setbacks for the lot. A property owner may not install an in-ground flag pole in unfenced portions of his lot unless there is no available space within a fenced yard on the lot. A flag flown at the front of the house must be from a flagstaff that is wall-mounted to the first floor facade of the house and projecting at an angle. An owner may not install or affix a flag display in a common area or within an Area of Common Responsibility.

A-5 Condition. Both flag and flagpole (or flagstaff) must be maintained in good condition at all times. A deteriorated flag may not be flown. A deteriorated or structurally unsafe flagpole must be repaired, replaced, or removed. Mounting apparatus and external halyards must be secured to prevent being a continual or reoccurring source of noise that is objectionable to residents of nearby lots. Mounting materials made of metal should be insulated in plastic or similar materials to reduce metal on metal noise. An in-ground flagpole or facade-mounted flagstaff must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.

A-6 Ordinances. The display of a Permitted Flag, and the location and construction of the supporting flagpole, must comply with applicable zoning ordinances, easements, and setbacks of record.

A-7 Illumination. The size, location, direction, and intensity of lights used to illuminate a displayed flag must be approved by the Architectural Control Committee.

A-8 Respect. Above all else, a Permitted Flag must be flown in a respectful manner. In displaying a Permitted Flag, in addition to the requirements of these Flag Regulations, a resident must substantially comply with the parts of the referenced guidelines that are appropriate for flag displays in residential neighborhoods. For the United States flag, the guidelines for respectful manner are in 4 U.S.C. Sections 5-10. For the Texas flag, the guidelines for respectful manner are in Chapter 3100 of the Texas Government Code. Reference to the federal and state guidelines in this section is not intended to invoke strict compliance with every provision in such guidelines, but that such guidelines shall serve as a general reference for purposes of displaying flags in a respectful manner.

A-9 Severability. If any part of these Flag Regulations is deemed to be unenforceable as to the flag of the United States under applicable federal law, the rest of this Section will continue to apply to the U.S. flag, and the unenforceable provision will continue to apply to other types of Permitted Flags.

## A. RELIGIOUS DISPLAY REGULATIONS

B-1 Religious Displays. To the extent permitted and protected by applicable law (such as Texas Property Code Section 202.018), a property owner or resident may display or affix one or more religious items to the outside surface of the home's front door or its door frame, provided:

- (1) the display is motivated by the owner or resident's sincere religious belief;
- (2) the display of one or more items does not exceed a collective total size of 25 square inches;
- (3) the display does not extend past the outer edge of the front door frame;
- (4) the display does not violate a law or threaten public health or safety; and
- (5) the display is not patently offensive to a passerby of average sensibilities.

B-2 Limitations. This limited right to display based on religious belief does not extend to any other feature or modification of an entry door or door frame.

B-3 Self-Help Remedies. In addition to remedies available to the Association for a violation of the Declaration or other Governing Documents, the Association may exercise self-help remedies to remove a religious display that violates the Religious Display Regulations.

## B. RAIN BARREL REGULATIONS

C-1 Rain Barrels. To the extent permitted and protected by applicable law (Texas Property Code Section 202.007), a property owner may install rain barrels or a rainwater harvesting system on his or her lot, subject to the requirements of these Rain Barrel Regulations.

C-2 Prohibited Locations. A property owner may not install a rain barrel or rainwater harvesting system between the front of the home and an adjoining or adjacent street, or in a common area.

C-3 Architectural Control Committee. If a rain barrel or rainwater harvesting system is to be located on the side of a property owner's house or at any other location on a property owner's lot that is visible from a street, another lot, or a common area, prior to installation of such rain barrel or rainwater harvesting system, the property owner must submit to the Architectural Control Committee plans and specifications for the rain barrel or rainwater harvesting system which indicate the size, type, and materials used in the construction of such rain barrel or rainwater harvesting system. In such circumstance, the Architectural Control Committee shall have the authority to regulate the size, type, and shielding of, and the materials used in the construction of the rain barrel or rainwater harvesting system provided: (a) the regulation does not prohibit the economic installation of the rain barrel or rainwater harvesting system on the property owner's lot and (b) there is a reasonably sufficient area on the property owner's lot in which to install the rain barrel or rainwater harvesting system. Such rain barrel or rainwater harvesting system shall also be properly screened so as to obscure view of the rain barrel or rainwater harvesting system from adjoining property and the street, and such method of screening, and the proposed screening materials, must also be approved in advance of installation by the Architectural Control Committee. No rain barrel or rainwater harvesting system may be installed on the side of an Owner's house or at any other location on an Owner's Lot that is visible from a street, another lot, or a common area until the required plans and specifications have been reviewed and approved by the Architectural Control Committee.

C-4 Other Requirement. All rain barrels or rainwater harvesting systems installed on a property owner's lot must be of a color that is consistent with the color scheme of the home constructed on such lot. In addition, no rain barrel or rainwater harvesting system may display any language or other content that is not typically displayed by such a barrel or system as it is manufactured.

### C. SOLAR PANEL REGULATIONS

D-1 Installation of Solar Panels. To the extent permitted and protected by applicable law (Texas Property Code Section 202.010), a property owner may install solar energy devices defined by Texas Property Code Section 202.010 ("Solar Energy Devices") on the roof or in a fenced yard or patio on his or her lot, subject to the requirements of these Solar Panel Regulations.

D-2 Architectural Control Committee Approval. A property owner must apply to the Architectural Control Committee for prior written approval of a Solar Energy Device and its proposed location, pursuant to the provisions of the Declaration or other Governing Documents of the Association. Architectural Control Committee approval may not be withheld if the Solar Energy Device meets or exceeds the requirements and limitations of these Solar Panel Regulations, unless the Architectural Control Committee determines in writing that placement of the Solar Energy Device as proposed by the property owner 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 Solar Energy Device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

D-3 Yard Installation. A Solar Energy Device may be installed in a fenced yard or patio owned and maintained by the property owner, provided the Solar Energy Device is not taller than the fence line.

**D-4 Roof Installation.** A Solar Energy Device may be installed on the roof of a residential dwelling or other structure allowed under the Declaration if installed in full compliance with all of the following requirements:

- (1) The Solar Energy Device may not extend higher than or beyond the roofline, the Solar Energy Device must conform to the slope of the roof, and the top edge of the Solar Energy Device must be parallel to the roofline;
- (2) The color of the Solar Energy Device's frame, support bracket, and visible piping or wiring must be a silver, bronze, or black tone commonly available in the marketplace; and
- (3) The Solar Energy Device must be installed on a portion of the roof designated by the Architectural Control Committee, which should generally be a portion of the roof that is not readily visible from a street or common area. A property owner may install a Solar Energy Device in a location on the roof other than the location designated by the Architectural Control Committee only if installation of the Solar Energy Device at such alternative location will increase the estimated annual energy production of the Solar Energy Device by more than ten percent (10%), as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory. Documentation of any increased solar capacity greater than 10% at locations not otherwise authorized by the ACC will be provided to the ACC at the owner's expense.

**D-5 Prohibited Installations.** A property owner may not install a Solar Energy Device in a common area; nor may a property owner install a Solar Energy Device in a manner that, as installed, would violate material warranties. A property owner is also prohibited from installing a Solar Energy Device that has been held by a court to violate a law or threaten public health or safety.

## **D. ROOF MATERIAL REGULATIONS**

**E-1 Roof Material.** To the extent permitted and protected by applicable law (Texas Property Code Section 202.011), roof shingles with the Permitted Features described below may be used on roofs in the Elliott Ranch Subdivision if such shingles comply with all of the Qualifying Criteria described below, or - alternatively - if approved by the Architectural Control Committee.

**E-2 Permitted Features.** Subject to the Qualifying Criteria below, roof shingles with any of the following features may be used on roofs of buildings on a lot:

- (1) Roof shingles that are designed primarily to be wind and hail resistant;
- (2) Roof shingles that are designed primarily to provide solar generation capabilities; and
- (3) Roof shingles that are designed primarily to be more heating and cooling efficient than customary composite shingles.

E-3 Qualifying Criteria. Shingles with the Permitted Features described above may be used (without Architectural Control Committee approval) only if (when installed) they meet all of the following Qualifying Criteria, as compared to roof shingles already authorized for use in the Elliott Ranch Subdivision under the Declaration (“Authorized Shingles”):

- (1) the proposed shingles must be similar in appearance to Authorized Shingles;
- (2) the proposed shingles must be more durable and of equal or greater quality than Authorized Shingles; and
- (3) the proposed shingles must match the aesthetics of the surrounding homes.

E-4 Architectural Control Committee. Property owners are encouraged (but not required) to apply to the Architectural Control Committee for confirmation that the proposed shingles conform to the Qualifying Criteria. The Association may require a property owner to remove and replace shingles that do not comply with the requirements of applicable law or these Roof Material Regulations.