



BOARD POLICY RESOLUTION OF
Quail Valley East Community Association, Inc.

Dated: December 12, 2011

WHEREAS, Quail Valley East Community Association, Inc. is a Texas Non-Profit Corporation governed by the Texas Property Code, and more specifically Chapter 202 *et seq.*; and

WHEREAS, Quail Valley East Community Association, Inc. (hereafter "Association"), is given authority to promulgate a Policy to regulate the installation, use, and display of Solar Energy Devices as authorized under Texas Property Code § 202, *et seq.* as well as by its By-laws and/or the Covenants and Restrictions applicable to the lots in Quail Valley East Subdivision;

WHEREAS, the Association, is given authority to promulgate a Policy to regulate the installation, use and display of certain Rainwater Harvesting System(s), as authorized under Texas Property Code § 202, *et seq.* as well as its By-laws and/or the Covenants and Restrictions applicable to the lots in Quail Valley East Subdivision;

WHEREAS, the Association, is given authority to promulgate a Policy to regulate the installation, use and display of certain Flags, as authorized under Texas Property Code § 202, *et seq.* as well as by its By-laws and/or the Covenants and Restrictions applicable to the lots in Quail Valley East Subdivision;

WHEREAS, the Association, is given authority to promulgate a Policy to regulate the installation, use and display of certain Religious Items, as authorized under Texas Property Code § 202, *et seq.* as well as by its By-laws and/or the Covenants and Restrictions applicable to the lots in Quail Valley East Subdivision.

Said Policy Regarding the aforementioned items and improvements stating as follows:

I. Policy Regarding Solar Energy Devices

1. A "Solar Energy Device" has the meaning assigned by Section 171.107 of the Texas Tax Code.
2. Subject to the restrictions below, a property owner within the Association, may at their own cost, install, maintain and utilize one or more Solar Energy Device(s) for the purpose of providing heating or cooling or to produce electrical or mechanical power by collection and transferring solar-generated energy.

3. Restrictions on Installation, Maintenance and Use of Solar Energy Devices:

- a) No owner may install, maintain or use a Solar Energy Device that, as determined by a court of competent jurisdiction, threatens the public health or safety, or violates a law.
- b) No owner may install a Solar Energy Device on the property owned or maintained by The Association, including but not limited to general common elements or limited common elements.
- c) No owner may install a solar Energy Device on the property owned in common by the members of the Association, including but not limited to general common elements or limited common elements.
- d) A solar Energy Device installed upon the owner's own property may only be installed:
 - i. On the roof of the owner's home; or
 - ii. In a fenced yard or patio owned and maintained by the property owner.
- e) Roof-Mounted Solar Energy Devices must not:
 - i. Extend higher than or beyond the roof line;
 - ii. Fail to conform to the slope of the roof;
 - iii. Include a top edge that is not parallel to the roof line;
 - iv. Include a frame, support bracket or visible piping or wiring in a color other than silver, bronze or black.
- f) Solar Energy Devices located in a fenced yard or patio owned or maintained by the property owner must not:
 - i. Extend beyond or above the fence line.
- g) No Solar Energy Device, regardless of location or type, may void material warranties, as installed.

h) Owner must submit an ACC application to the Association prior to the installation, maintenance or use of any Solar Energy Device, regardless of location or type. Procedures for approval will conform with those procedures already in place pursuant to the Architectural control guidelines of each section of the Association

i) The Association retains the right to withhold approval of any Solar Energy Device if, in the written opinion of the Association, the placement of the 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 Association shall be the sole arbiter to determine whether a proposed Solar Energy Device constitutes such a condition, save and except that the written approval of all homeowners adjacent to the proposed Device shall create a rebuttable presumption that such a condition did not exist.

II. Policy Regarding Certain Roof Materials

1. An Owner who has already sought and received ACC approval to install shingles on the roof of their home, pursuant to the Architectural Control guidelines of each section of the Association, and who chooses to install specialized shingles designed primarily (1) to be wind resistant; (2) provide heating and cooling efficiencies greater than those provided by customary shingles; (3) provide solar generation capabilities, may install said specialty shingles, subject to the following restrictions:
 - a. The color and appearance of the shingles must be submitted to the ACC for approval, to ensure that said shingles resemble the shingles used or otherwise authorized by the Association for use in the subdivision;
 - b. The shingles must be of equal or superior quality and durability to standard roofing shingles otherwise authorized by the Association for use in the subdivision;
 - c. The shingles must, within the determination of the Association match the aesthetics of properties adjacent to Owner's property;
 - d. No owner may install specialized shingles on the property owned or maintained by the Association, including but not limited to general common elements or limited common elements;

- e. No owners may install specialized shingles on the property owned in common by the members of the Association including but not limited to general common elements or limited common elements;
- f. Owner must submit an ACC application to the Association prior to the installation, maintenance or use of any specialized shingles, regardless of location or type. Procedures for approval will conform with those procedures already in place pursuant to the Architectural Control guidelines for each section of the Association;
- g. The Association retains the right to withhold approval of any specialized shingles if, in the written opinion of the Association, the placement of the shingle 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 Association shall be the sole arbiter to determine whether a proposed specialized shingle constitutes such a condition.

III. Policy Regarding Rain Barrels and Rainwater Harvesting Systems

1. An Owner who has already sought and received ACC approval to install a Rain Barrel or other approved Rainwater Harvesting System on their property, pursuant to the Architectural Control guidelines for each section of the Association and install said Rain Barrel or other approved Rainwater Harvesting System, subject to the following restrictions:
 - a) No owner may install, maintain or use a rain barrel or other approved rainwater harvesting system that, as determined by a court of competent jurisdiction, threatens the public health or safety, or violates the law.
 - b) No owner may install a rain barrel or other approved rainwater harvesting system on the property owned or maintained by the Association, including but not limited to general common elements or limited common elements.
 - c) No owner may install a rain barrel or other approved rainwater harvesting system on the property owned in common by the members of the Association, including but not limited to general common elements or limited common elements.
 - d) A rain barrel or other approved rainwater harvesting system may be installed in a fully enclosed and fenced yard or patio owned and maintained by the property owner.

- e) Rain barrel or other approved rainwater harvesting systems located in a fenced yard or patio owned or maintained by the property owner must not:
- i) Extend beyond or above the fence line;
 - ii) Be located between the front of the Owner's property and adjoining or adjacent street.
- f) A rain barrel or other approved rainwater harvesting system may only be installed at the side of a house, or in a location visible from a street another lot or a common area subject to the following requirements:
- i) Reasonable sufficient area on the owner's property exists in which to install the rain barrel or other approved rainwater harvesting device. The Association shall be the sole arbiter to determine whether reasonable sufficient area exists on the owner's property;
 - ii) Any rain barrel or other approved rainwater harvesting device must be of a color consistent with the color scheme of the property;
 - iii) No rain barrel or other rainwater harvesting device may display language or other content that is not typically display by such a device or system as it is manufactured.
- g) No rain barrel or other approved rainwater harvesting system, regardless of location or type, may void material warranties, as installed;
- h) Owner must submit an ACC application to the Association prior to the installation, maintenance or use of any rain barrel or other approved rainwater harvesting device, regardless of location or type. Procedures for approval will conform with those procedures already in place pursuant to the Architectural Control guidelines for each section of the Association;
- i) The Association retains the right to withhold approval of any rain barrel or other approved rainwater harvesting device if, in the written opinion of the Association, the placement of rain barrel or other approved rainwater harvesting 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 Association shall be the

sole arbiter to determine whether a proposed rain barrel or other approved rainwater harvesting device constitutes such a condition.

IV. Policy Regarding Display of Certain Religious Items

An Owner may display certain religious items on the entry to owner's property subject to the following restriction:

- a) Any religious item displayed must be motivated by the owner or resident's sincere religious belief.
- b) No displayed religious item may:
 - i. Threaten the public health or safety in any manner whatsoever;
 - ii. Violate any Federal, state or local laws;
 - iii. Contain language, graphics, or depictions that are patently offensive to a passerby;
 - iv. Be displayed in any location other than the entry door or door frame of the property;
 - v. Extend past the outer edge of the door frame of the owner's or resident's dwelling;
 - vi. Exceed a total area of twenty-five (25) square inches.
- c) The Association reserves all rights given to it by Statute or by the Restrictions to cause to be removed any item so displayed that, in the judgment of the Association, violates one or more of the limitations included herein. The Association shall be the sole arbiter to determine whether such a violation exists.
- d) This policy is not intended to apply to holiday decoration thirty (30) days prior or (15) days after said holiday

V. Policy Regarding Display of Flags

An Owner may display (1) the flag of the United States of America; (2) the flag of the state of Texas; (3) an official flag or replica flag of any branch of the United States Armed Forces; (4) school spirit flag or (5) holiday seasonal decorative flags on their property, subject to the following restrictions;

General Restrictions

- a) In addition to the requirements set forth herein below, display of the flag of the United States of America must conform with the requirements under the United States Code, Section 5-10;
- b) In addition to the requirements set forth herein below, display of the flag of the State of Texas must conform with the requirements under the Texas Government Code Section 3100;
- c) Only one (1) freestanding flagpole or mounted flagpole brackets may be utilized by any owner or resident, three (3) mounted flag poles per residence. No more than one (1) flag, of each of the approved types delineated above may be displayed simultaneously;
- d) No flag may be displayed or maintained in any manner other than on a freestanding flagpole, or via a mounted flagpole bracket;
- e) All displayed flags, flagpoles and flagpole brackets must be maintained in good condition. In the event that any displayed flag, flagpole or flagpole bracket which is not, in the judgment of the Association, maintained in good condition, the owner shall be responsible for repairing, replacing or removing said displayed flag, flagpole, or flagpole bracket, upon written request of the Association. The Association shall be the sole arbiter to determine whether such a condition exists;
- f) No displayed flags shall exceed three (3) feet in height, and five (5) feet in length;
- g) No owner may install a flag on the property owned or maintained by the Association, including but not limited to general common elements or limited common elements, with the exception of a wholly enclosed, fenced yard or patio area;

- h) No owner may install a flag on the property owned, in common by the members of the Association, including but not limited to general common elements or limited common elements, with the exception of a wholly enclosed, fenced yard or patio area.

Restrictions of Freestanding Flags

- a) No flagpole located in or on an owners' property may exceed twenty (20) feet in height.
- b) Any flagpole located in or on an owner's property must be constructed of a permanent, long-lasting material, with a finish appropriate to the material used in the construction of the flagpole and harmonious with the dwelling;
- c) No flagpole located in or on an owner's property may be located outside the applicable setback lines for that lot;
- d) If lights are to illuminate the flag during evening hours, said lights must be directed in such a manner, and utilized at an intensity that does not substantially interfere with the use and enjoyment of other owners or residents by causing unreasonable discomfort or annoyance to other persons of ordinary sensibilities. The Association shall be the sole arbiter to determine whether such a condition exists;
- e) No flagpole halyard, flagpole snap-hooks, or other fastening devices shall be allowed to generate noise of an intensity or frequency so as to substantially interfere with the use and enjoyment of other owners or residents by causing unreasonable discomfort or annoyance to other persons of ordinary sensibilities. The Association shall be the sole arbiter to determine whether such a condition exists;
- f) An owner or resident may be required to utilize flagpole snap-hook covers to eliminate flagpole noise at the request of the Association.

Restrictions of Flags Displayed in Flagpole Brackets

- a) No flagpole mounted in a flagpole bracket may exceed five (5) feet in length;
- b) If applicable, no flag displayed from a mounted flagpole bracket may extend beyond the airspace created by the boundaries of a fenced yard or patio area;

- c) No mounted flagpole bracket may be affixed to any portion of the general or limited common elements.

THEREFORE, BE IS RESOLVED THAT, the Association adopts a uniform policy to apply to all unit owners within The Association;

BE IF FURTHER RESOLVED, THAT, the policy approved by this resolution touch and concern all lots within the Association, and shall run with the land to all subsequent owners of said lots;

The Board of Directors of the Association hereby memorializes in its minutes its formal resolution providing a uniform policy for all lots within the Association.

Dated: December 12, 2011

Secretary

Mary Ayers
Mary Ayers

President

Bertha L. Eugene
Bertha L. Eugene

THE STATE OF TEXAS

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COUNTY OF Harris

This instrument was acknowledged before me on the 12th day of December, 2011 by Mary Ayers, as a Secretary of Quail Valley East Community Association, Inc., on behalf of said Corporation.

NOTARY PUBLIC, STATE OF TEXAS

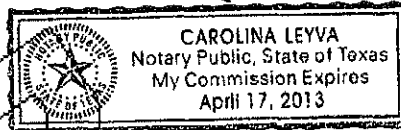
My Commission Expires April 17, 2013

Carolina Leyva
Printed Name of Notary Public

THE STATE OF TEXAS

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COUNTY OF Harris

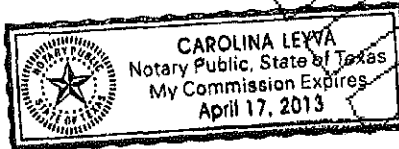


This instrument was acknowledged before me on the 12th day of December, 2011 by Eugene Bertha, as a President of Quail Valley East Community Association, Inc., on behalf of said Corporation.

NOTARY PUBLIC, STATE OF TEXAS

My Commission Expires April 17, 2013

Carolina Leyva
Printed Name of Notary Public



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

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BAK \$47.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS

AS PER ORIGINAL