

6
Notice
T

**CERTIFICATE OF CORPORATE RESOLUTION OF
BOARD OF DIRECTORS
WESTHOLLOW VILLA TOWNHOMES ASSOCIATION, INC.
(RAINWATER HARVESTING SYSTEMS)**

The undersigned Secretary of WESTHOLLOW VILLA TOWNHOMES ASSOCIATION, INC., a Texas non-profit corporation (the "Association"), does hereby certify, that at a regular meeting of the Board of Directors of the Association held on January 17, 2012, with at least a majority of the Board of Directors being present, the following resolution was duly made and approved by the Board of Directors:

WHEREAS, pursuant to that certain "Declaration of Covenants, Conditions and Restrictions (for) Westhollow Villa Townhomes" recorded under County Clerk's File No. F190707 of the Real Property Records of Harris County, Texas, and any and all amendments thereto (the "Declaration"), the Association is responsible for the administration and operation of the Westhollow Villa Townhomes Subdivision (the "Property") and the restrictive covenants set forth therein; and

WHEREAS, by this resolution, the Board of Directors wishes to adopt a policy governing rainwater harvesting systems consistent with the provisions of Section 202.007 of the TEXAS PROPERTY CODE, and to provide disclosure of such policy to current and future owners of lots at the Property as to same.

NOW THEREFORE, formal notice is hereby given to all current and future owners of lots at the Property as to the following policy of the Association:

**ASSOCIATION POLICY AS TO
RAINWATER HARVESTING SYSTEMS**

In accordance with the provisions of the Texas Property Code, each owner and/or resident may install rain barrels or a rainwater harvesting system subject to the following guidelines.

- A. Rain barrels and rainwater harvesting systems shall not be installed on property that is:
 - 1. owned by the Association (i.e., common areas);
 - 2. owned in common by the members of the Association (i.e., common elements); or
 - 3. located between the front of the owner's home and an adjoining or adjacent street.

The only permitted location for the installation of the rainwater harvesting system is wholly within the fenced patio area adjacent to the townhome, below the fence line.

PP 030-69-0867

- B. Rain barrels and rainwater harvesting systems must be of a color consistent with the color scheme of the owner's home.
- C. Rain barrels and rainwater harvesting systems shall not display any language or content that is not typically displayed on said rain barrel or rainwater harvesting system as it is manufactured.
- D. Rain barrels larger than 100 gallons are prohibited.
- E. Rain barrels and rainwater harvesting systems shall be located in a place shielded from view of other townhomes, from streets or from outside the Property.
- F. All installations shall be completed so that they do not materially damage the Common Area, any other owner's individually owned property or void any warranties in favor of the Association or other Owners, or in any way impair the structural integrity of the building.
- G. Only commercial and professional manufactured grade rain barrels and rain harvesting system shall be permitted. Owners shall not permit their rain barrels and rainwater harvesting systems to fall into disrepair or to become a safety hazard. Owners shall be responsible for rain barrel and rainwater harvesting system maintenance repair and replacement and the correction of any safety hazard.
- H. Rain barrels and rainwater harvesting systems must have lids or covers to prevent and/or minimize mosquito infestations.
- I. Rain barrels and rainwater harvesting systems shall be installed and secured in a manner that complies with all applicable state and local laws, ordinances and regulations, and manufacturer's instructions. Prior to installation, Owners shall provide the Association with a copy of any applicable government permit if required for safety reasons.
- J. Rain barrels and rainwater harvesting systems shall not obstruct access to or exit from any townhome, walkway, ingress or egress from an area, electrical service equipment or any other areas necessary for the safe operation of the Property. The purpose of this requirement is to ensure the safety of the Association residents, personnel and safe and easy access to the Property.
- K. Installation must comply with all applicable codes, take aesthetic conditions into account and minimize the impact to the exterior and structure of the Owner's townhome.

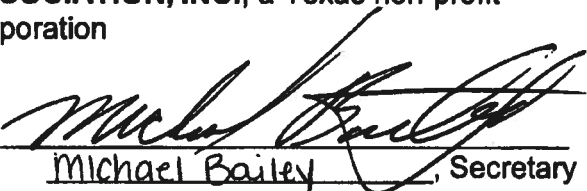
AP 030-63-0868

- L. Rain barrels and rainwater harvesting systems shall be painted to match to color of the structure to/at which they are installed or attached, provided that such painting does not interfere with the operation and use of the rain barrel or rainwater harvesting system.
- M. If rain barrels and rainwater harvesting systems are visible from the street or other townhomes, camouflaging said rain barrels and rainwater harvesting systems through inexpensive screening or plants is required, provided that such screening does not interfere with operation and use; provided however, that said screening or plants must be approved in accordance with the architectural control provisions of the Declaration.
- N. If rain barrels and rainwater harvesting systems are installed on property that is maintained by the Association, the Owners retain the responsibility for the maintenance of the rain barrels and rainwater harvesting systems. Rain barrels and rainwater harvesting systems must not be installed in a manner that will result in increased maintenance costs for the Association or for other Owners and residents. If increased maintenance or damage occurs, the Owner of such rain barrel/rainwater harvesting system shall be responsible for all such costs.
- O. If maintenance requires the temporary removal of rain barrels and rainwater harvesting systems, the Association shall provide Owners with ten (10) days written notice. The Owners shall be responsible for removing or relocating rain barrels and rainwater harvesting systems before maintenance begins and replacing rain barrels and rainwater harvesting systems afterward. If rain barrels and rainwater harvesting systems are not removed within the required time, the Association may do so, without liability, and at the Owner's sole cost and expense. The Association is not liable for any damage caused by the Association's removal of the rain barrels and rainwater harvesting systems.
- P. Any Owner desiring to install a rain barrel and rainwater harvesting system must complete and submit a an architectural review committee (ARC) form application, together with a notification form (in the form attached hereto and marked as Exhibit "A") to the Board of Directors of the Association in care of the Association's Managing Agent or such other place as the Board of Directors may direct by notice to all Owners. The ACC form shall identify the type, size, and location of the proposed rain barrel and rainwater harvesting system. The ARC form and notification form must be submitted prior to the actual installation of the rain barrel and rainwater harvesting system. The notification form shall be used to ensure compliance with all

safety objectives of these policies.

- Q. If the installation is routine, conforming to all of the above restrictions, the installation may begin immediately after the Association has approved the ARC form request and signed notification has been delivered.
- R. The installation may not proceed until the Owner has obtained written approval from the Association as to the ARC form request. If the installation is other than routine (i.e. it fails to comply with one or more of the above policies or is otherwise denied by the Association), the Owner shall have the right to meet with the Board of Directors to discuss the application and installation methods. Such meeting shall be scheduled at a mutually convenient time and place, but in no event shall such meeting be held later than the tenth (10th) business day following receipt of the completed notification form by the Board of Directors unless the Owner consents in writing to a later time for such meeting.
- S. This notification procedure shall apply only to the installation of rain barrels and rainwater harvesting systems. All other alterations and improvements requiring the advance written approval of the Association's Board of Directors shall still require approval in accordance with the terms of the Declaration.
- T. If these policies are violated or if rain barrel and rainwater harvesting system installation poses a serious, immediate safety hazard, the Association, after written notice to the Owner in accordance with Section 209.006 of the Texas Property Code, may bring action for declaratory judgment and/or injunctive relief with any court of competent jurisdiction. The Association shall be entitled to recover reasonable attorneys' fees, costs and expenses incurred in the enforcement of these policies.
- U. If any of these policies are determined to be invalid, the remainder of these policies shall remain in full force and effect.

WESTHOLLOW VILLA TOWNHOMES
ASSOCIATION, INC., a Texas non-profit
corporation

By: 
Michael Bailey, Secretary

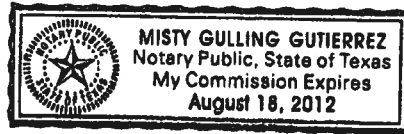
107

STATE OF TEXAS §

COUNTY OF HARRIS §

This instrument was acknowledged before me on this 17th day of January 17 2012, by Michael Bailey, Secretary of WESTHOLLOW VILLA TOWNHOMES ASSOCIATION INC., a Texas non-profit corporation, on behalf of said corporation.

Misty Gulling Gutierrez
Notary Public - State of Texas



RECORD AND RETURN TO: JV
Frank, Elmore, Lievens,
Chesney & Turet, L.L.P.
Attn: Richard C. Lievens
9225 Katy Freeway, Suite 250
Houston, Texas 77024

FILED FOR RECORD
8:00 AM

JAN 20 2012

Stan Stewart
County Clerk, Harris County, Texas

REF 080-69-0870

**EXHIBIT "A"
AGREEMENT**

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

Owner/Resident: _____

Unit No./Address: _____

Date: _____

I, the undersigned owner/resident acknowledge receipt of the "Policy as to Rainwater Harvesting Systems" (the "Policies") established by the WESTHOLLOW VILLA TOWNHOMES ASSOCIATION, INC., a Texas non-profit corporation (the "Association") for the installation, maintenance and use of rain barrels and rainwater harvesting systems at WESTHOLLOW VILLA TOWNHOMES. With regard to such Policies, I agree as follows:

1. That I will comply with and abide by such Policies.
2. That I understand and agree that I have or will install and operate the rain barrel and rainwater harvesting system at my own risk, and that I will be liable for any injury, damage, or loss to persons or property caused by or resulting from the installation, operation and removal of my rain barrel and rainwater harvesting system, and that I will be responsible for and agree to reimburse the Association or any other person for any personal injury or damage occurring to the Association, residents of WESTHOLLOW VILLA, personnel of the Association, common property or other Owners' and residents' property. In such regard, I hereby agree to INDEMNIFY AND HOLD HARMLESS the Association (and its directors, officers, managers, employees, agents, etc.) for any and all claims, demands, debts, liens, liabilities, costs, expenses, attorneys' fees, any causes of actions (including claims for contribution and indemnity) suits, judgments and any other damages whatsoever and of any nature which may arise or result from the installation, operation and removal of the rain barrel and rainwater harvesting system.
3. To additionally ensure that I am able to pay damages in the event that the installation, operation and removal of my rain barrel and rainwater harvesting system causes any injury or damage to persons or property, I acknowledge and agree to purchase and maintain liability insurance for as long as I have my rain barrel and rainwater harvesting system at the Property and provide proof of such liability insurance to the Association.

OWNER/RESIDENT

WITNESS

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: _____

RP 000-63-007-1

1

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.
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

JAN 20 2012



Stan Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

RP 0810-69-0872