

Notice

20120024523
01/19/2012 RP2 \$20.00

ENCHANTED OAKS HOMEOWNERS ASSOCIATION, INC.
GUIDELINE REGARDING REGULATION OF
SOLAR ENERGY DEVICES ACCORDING TO THE TEXAS PROPERTY CODE

WHEREAS, the Board of Directors of Enchanted Oaks Homeowners Association, Inc. (the "Association") is authorized to administer the affairs of the Association and provide for the health, safety and welfare of the members and property within the Association and specifically for regulation of solar energy devices; and,

WHEREAS, Section 202.010 (B) of the Texas Property Code authorizes property owner associations to enforce a provision that regulates a solar energy device as set forth therein provided it complies with the specific provisions of the Texas Property Code for properties within the jurisdiction of the Association; and

WHEREAS, the Association desires to fully comply with the requirements of Section 202.010 (B) of the Texas Property Code;

NOW THEREFORE, BE IT RESOLVED THAT: the following Guideline regarding enforcement of Solar Devices is hereby adopted by a motion, second of the motion and approval by a majority of the members of the Board of Directors at a board meeting :

The Association shall enforce the following guideline for installation and operation of a solar device on the properties within the jurisdiction of the Association.

Solar devices shall not be permitted in the event any such device threatens the public health or safety or violates a law. The Association is also empowered to regulate any solar energy devices which are located on property owned or maintained by the property owners association, is located in common by the members of the property owners association or is located in an area on a property owner's property other than:

- 1) on the roof of the home or of another structure allowed under a dedicatory instrument or,
- 2) in a fenced yard or patio owned and maintained by the property owner,
- 3) if mounted on the roof of the home and
 - A) extends higher than or beyond the roofline,

B) is located in an area other than an area designated by the property owners association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent above the energy production of the device if located in an area designated by the property owners association

~~C) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline, or,~~

~~D) has a frame, support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace,~~

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- 4) if located in a fenced yard or patio, is taller than the fence line,
- 5) as installed, voids material warranties, or
- 6) was installed without prior approval by the property owners association or by the Architectural Control Committee of the Association.

The Architectural Control Committee of the Association may not withhold approval for installation of a solar energy device if the provisions set forth herein are met or exceeded, unless the Architectural Control Committee determines in writing that 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 a unreasonable discomfort or annoyance to persons of ordinary sensibilities. The Architectural Control Committee shall seek the written approval of the proposed placement of the device by all property owners of adjoining property to the property owner seeking approval of the solar energy device. Approval of all such adjoining property owners constitutes prima facie evidence that such a condition does not exist.

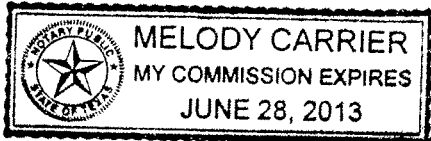
EXECUTED this 10 day of January, 2012.

ENCHANTED OAKS HOMEOWNERS ASSOCIATION, INC.

By: David L. Mayfield
David L. Mayfield, President

THE STATE OF TEXAS X
 X
COUNTY OF HARRIS X

THIS INSTRUMENT was acknowledged before me on this the 10th day of January, 2012, by the said David L. Mayfield, President of ENCHANTED OAKS HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



Melody Carrier
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

After Recording Return to:
Michael O'Neal, Attorney at Law
12337 Jones Road, Suite 300
Houston, Texas 77070

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 19 2012



Star Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED
2012 JAN 19 AM 10:35
Star Stewart
COUNTY CLERK
HARRIS COUNTY, TEXAS