

STATE OF TEXAS)
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COUNTY OF HOOD)
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**ROLLING CREEK RANCH PROPERTY OWNERS' ASSOCIATION, INC.
Accessory Buildings Design and Construction Policy**

POLICIES NOTICE CERTIFICATE
As Required by Chapters 202 and 209, Texas Property Code

In accordance with the Texas Property Code Chapters 202 and 209 et seq., also known as the Texas Residential Property Owners Protection Act, this Policies Notice Certificate of the Rolling Creek Ranch Property Owners Association, Inc. shall be recorded in each county in which any portion of the residential subdivision is located. The residential subdivision is located wholly within Hood County, Texas.

This Dedicatory Instrument and Policy Notice Certificate hereby declares that:

- (1) the name of the subdivision is Rolling Creek Ranch;
- (2) the name of the Association is Rolling Creek Ranch Property Owners' Association;
- (3) the recorded declaratory instruments are recorded in the Real Records of Hood County, Texas.
- (4) The definitions contained in the recorded Dedicatory Instruments, as amended, for the Rolling Creek Ranch Property Owners' Association, including the Declarations of Covenants, Conditions and Restrictions for the three Phases of the subdivision, the Bylaws, the Certificate of Incorporation and Articles of Incorporation, and the Management Certificate are hereby incorporated herein by reference.
- (5) the recording data for the Dedicatory Instruments of the Rolling Creek Ranch Property Owners' Association, Inc., as defined in Texas Property Code Section 202.001(1), which is subject to Section 202.006 of the Texas Property Code, that provides that a property owners association must file each dedicatory instrument governing the association that has not been previously recorded in the real property records of the county in which the development is located, is contained in the Management Certificate scheduled to be recorded immediately prior to this Policy Notice Certificate of even date herewith to update the required Property Owners Association information, which Dedicatory Instruments are hereby supplemented by the recording of this Policies Notice Certificate for the following Policy:

**Rolling Creek Ranch Property Owners Association Policy
regarding
Accessory Buildings Design and Construction Policy**

Section 3.05 of the Rolling Creek Ranch Declaration of Covenants, Conditions and Restrictions, hereinafter referred to as the "Declaration" is set forth herein as follows:

Declaration Section 3.05 **Barns, Workshops & Storage Buildings**. Barns, workshops, or storage buildings shall be allowed so long as such buildings are constructed with material harmonious with the main dwelling. Detailed plans and specifications for barns and workshops must be submitted to the Developer or ACC in order to be considered for approval. Such structures must be located behind the main dwelling site and may not be constructed on the Tracts prior to the main dwelling being constructed or occupied. No portable storage buildings shall be allowed.

Pursuant to Section 209.005(m) of the Texas Property Code, Rolling Creek Ranch Property Owners' Association, Inc., hereinafter referred to as the "Association," acting by and through its Board of Directors, has adopted the following policy for the design, location and construction of the various types of Accessory Buildings in the Rolling Creek Ranch subdivision in Hood County, Texas, to supplement Section 3.05 of the Declaration and to more clearly define "Barns, Workshops and Storage Buildings" using the more encompassing term of "Accessory Buildings", and to more clearly define the design, location and construction specifications for Accessory Buildings, to wit:

Accessory Buildings. Large and Small Accessory Buildings (defined herein) shall not be permitted on any Lot without the approval of the Architectural Control Committee (hereinafter referred to as the "ACC") or the Board. No improvements shall be erected, placed or altered on any Lot until the construction plans and specifications and a plot plan showing the location of the improvements have been approved in writing as to harmony of exterior design, materials and color with existing structures, as to location with respect to topography and finished ground elevation, and as to compliance with minimum construction standards determined in the discretion of the Architectural Control Committee. A copy of the Lot Owner's (a) construction plans and specifications, (b) plot plan, (c) foundation type and design, (d) building's type, design and color of exterior materials, (e) type, size, materials, color and purpose of doors provided for use of vehicles and/or equipment, (f) roof type, materials, color and pitch, and (g) surrounding landscaping, together with such information as may be deemed pertinent by the applicant or the ACC, shall be submitted by the Lot Owner to the ACC or its designated representative for approval prior to commencement of construction.

Roofing material for all Accessory Buildings shall be the same as the main dwelling.

No window or wall type air conditions shall be permitted to be erected, placed or maintained on or in any building in any part of Rolling Creek Ranch if visible from any street, common area, or a neighbor's property.

Due to the fact that Lots in Rolling Creek Ranch have wide variation in size (minimum one acre) and in topography, and due to the fact that large lots require more maintenance equipment than smaller residential lots, different rules governing Accessory buildings shall apply to "Large" Accessory Buildings and "Small" Accessory Buildings.

Large Accessory Buildings. Large Accessory Buildings, such as barns, workshops, and large storage buildings, whose footprint exceeds three hundred (300) square feet, must be constructed with its design, colors and materials to be harmonious with the main dwelling. A three foot (3') wainscot at the base of large Accessory Buildings, constructed along the front and any sides visible from a neighboring Lot or from a common area, shall satisfy the requirement for materials harmonious with the main dwelling subject to the ACC's approval of exterior materials and colors on the remaining exterior of such buildings as being harmonious with the main dwelling. Such structures must be located behind the main dwelling site on a permanent foundation and may not be constructed on the Tracts prior to the main dwelling being constructed or occupied. No portable storage buildings shall be allowed. Consistent with Section 3.03 of the Declaration, Garage doors or similar large door entries on attached or detached garages and other Accessory Buildings provided for use of vehicles and/or equipment must face the side or rear Lot line of the property. If the ACC grants a Variance allowing such doors to face any street, the door must be a hardwood door with a color harmonious with the main dwelling.

Small Accessory Buildings. Small Accessory Buildings, referred to herein as "garden sheds", defined herein as Accessory Buildings with a footprint of more than twenty feet (20') by fifteen feet (15'), totaling no more than three hundred (300) square feet. Such Small Accessory Buildings must not exceed eight feet (8') in height to the wall-to-roof plate line and may not be located in front or side yards. Small Accessory Buildings can be constructed of sustainable, weather durable exterior material such as LP Smart Side or Hardy board. The colors of the exterior materials shall be harmonious with the main dwelling.

Small accessory structures having a footprint of no more than ten feet (10') by eight feet (8'), totaling no more than eighty (80) square feet and not exceeding six (6) feet in height must have the approval of the Architectural Committee or the Board, but shall only be permitted to be located within ten feet of the rear of the main dwelling or a larger accessory building as long as such small accessory structure is not visible from any street. However, such small accessory structures shall not be required to be site constructed.

Other Accessory Buildings. Other Accessory Buildings, such as gazebos, playhouses and greenhouses, may not be located in front yards or in side yards. Nor may dog houses may be located in front or side yards or in unfenced portions of rear yards. These buildings should be located behind the main dwelling in locations that eliminate or diminish as much as possible viewing such buildings from the street or from adjacent residences.

Accessory Buildings Waivers. The Committee is authorized to grant waivers without a formal variance if the waivers are reasonable in the Committee's sole discretion and if the structure is not inconsistent with the general scheme and harmony of the development. If a proposed Accessory Building is not visible from any street, common area, or a neighbor's property, due to existing topography, trees or the Committee's approved landscape screening, the Committee may grant a waiver from the requirement that the Accessory Building must be in harmony with the Lot's dwelling exterior design, materials and colors, or permitting front entry into the Accessory Building of a garage door or other Accessory Building entry doors, or that the Accessory Building must be in harmony with other buildings in Rolling Creek Ranch with respect to exterior design, materials and colors, or the approved placement of entry into the Accessory Building of a garage door or other entry doors, or the location of the Accessory Building with respect to topography, and finished ground elevation, and as to compliance with minimum construction standards determined in the discretion of the Architectural Control Committee.

Temporary Structures. No temporary structures shall be permitted except as may be determined to be necessary during construction and as are specifically authorized in writing by the Association.

Screening of Accessory Buildings. The following items, if permitted by the Architectural Control Committee, must be screened from the view of the public and neighboring Lots and dwellings as defined below: (a) all swimming pool equipment or stored supplies, (b) Electronic Equipment, Antennas, etc., (c) garbage or trash containers, (d) yard maintenance equipment, (e) wood piles and compost piles, (f) utility meters, and (g) anything determined by the Board or the Architectural Control Committee to be unsightly, inappropriate or not in harmony with the appearance of the Rolling Creek Ranch subdivision. Screening from view may be achieved by a stone or stucco wall or plant material, such as trees and bushes, or any combination of these as approved by the Architectural Control Committee prior to installation. Plants or plant groupings used for screening should be 18"-24" in height at planting and maintained at 4' or taller in height at plant maturity. Plantings should be maintained so as to keep them to a size and width that does not cross an adjacent property line. As used in this Section, "screened from view" refers to the view of a person in a passenger vehicle driving on the street fronting a house, as said vehicle passes in front of the dwelling, or the view from a common area, or the view from a neighbor's home or the immediate vicinity surrounding the neighbor's home.

The Architectural Control Committee or the Board shall, unless permitted by written variance, granted in accordance with Section 4.05 of the Declaration, require anything determined by either of them to be unsightly, inappropriate or not in harmony with the appearance of the subdivision to be screened from view from any street, common area, or a neighbor's property.

Severability and Legal Interpretation. In the event that any provision herein shall be determined by a court with jurisdiction to be invalid or unenforceable in any respect, such determination shall not affect the validity or enforceability of any other provision, and these Dedicatory Instruments and Policies shall be enforced as if such provision did not exist. Furthermore, the purpose of this Dedicatory Instrument and Policy is to satisfy the legal requirements of Sections 209.0042, 209.0051 and 209.00593 of the Texas Property Code. In the event that any provision of this Dedicatory Instrument and Policy is deemed by a court with jurisdiction to be ambiguous or in contradiction with any law, this Dedicatory Instrument and Policy and any such provision shall be interpreted in a manner that complies with an interpretation that is consistent with the law.

IT IS RESOLVED that this Dedicatory Instrument and Policy Notice Certificate of Rolling Creek Ranch Property Owners Association, and the provisions of the Dedicatory Instrument and Policy herein, is hereby adopted by the Board of Directors of the Rolling Creek Ranch Property Owners Association, Inc. Following recordation in Hood County, Texas, the Dedicatory Instrument and Policy in this Notice Certificate, hereby adopted, shall be effective on August 1, 2018, and shall remain in effect until revoked, modified or amended.

This is to certify that the foregoing resolution was adopted by the Board of Directors of the Rolling Creek Ranch Property Owners Association by the unanimous vote of the Directors on this 9 day of August, 2018.

By their signatures below, the President and the Secretary of the Association certify that the foregoing resolution was approved by the Board of Directors of the Association at a duly called meeting of the Board of Directors at which a quorum of the Board of Directors was present, or by signed unanimous written consent in lieu of a meeting.

Rolling Creek Ranch Property Owners Association, Inc.

By: [Signature] August 9th, 2018
Chairman of the Board and President

Attest: [Signature]
By: [Signature] August 9th, 2018
Secretary

2007-08-01

P.C.F.

2007-08-01

[Handwritten signature]

