

**** Electronically Filed Document ****

**Brazos County, TX
Karen McQueen
County Clerk**

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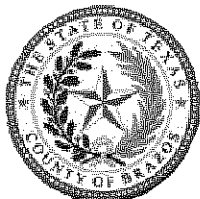
Parties:

**Direct- DUCK HAVEN HOMEOWNERS ASSOCIATION INC
Indirect- PUBLIC**

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***** THIS PAGE IS PART OF THE INSTRUMENT *****

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.



I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

DUCK HAVEN HOMEOWNERS ASSOCIATION, INC.

VEGETATION CONSERVATION POLICY

WHEREAS, the property encumbered by this Vegetation Conservation Policy (the "Policy") is that property restricted by the Declaration of Covenants, Conditions, Reservations and Restrictions of Duck Haven Estates, recorded under Brazos County Clerk's File No. 00846415, as same has been or may be amended from time to time ("Declaration"), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Duck Haven Homeowners Association, Inc. (the "Association"); and

WHEREAS, pursuant to the authority provided in the Declaration, the Board of Directors (the "Board") of the Association hereby adopts this Policy in an effort to further reiterate the conservation principles that the Duck Haven Estates Subdivision has been founded upon and the specific conservation efforts required as to each Lot within the Subdivision; and

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meanings set forth in the Declaration, unless otherwise specified in this Policy; and

WHEREAS, in the event of a conflict between the terms of this Policy and any previously adopted regulations, policies and/or guidelines addressing the conservation efforts regarding Lots within the Duck Haven Estates Subdivision as set forth herein, this Policy shall control.

NOW, THEREFORE, the following Policy is hereby adopted by the Board:

Pursuant to Section 4.04 of the Declaration, the Duck Haven Estates Subdivision is intended to be a conservation development, which means that Owners shall take proactive actions necessary to minimize the destruction and disturbance of natural habitats including but not limited to: plant, animal, resident and migratory bird and aquatic species.

In accordance with this general plan and scheme of conservation development, Owners shall take notice and fully comply with the following provisions, which are also set forth in the Dedicatory Instruments (as that term is defined in the Texas Property Code) governing Lots within the Duck Haven Estates Subdivision:

1. CLEARING OF HABITAT REQUIRES PRIOR WRITTEN APPROVAL:

Declaration, Articles 1 and 2: The clearing of habitat on a Lot is restricted to the site clearing plan approved by the ACC at the time of home construction. Prior written approval from the ACC is required when any Improvement takes place on a Lot. An Improvement is defined as any physical change to raw land or to an existing structure which alters the physical appearance, characteristics or properties of the land or structure, including but not limited to adding or removing square footage area space to or from a structure, painting or

repainting a structure, or in any way altering the size, shape or physical appearance of any land or structure.

2. TREES:

Declaration, Section 4.04.02-Trees, and ACC Guidelines: Any live tree located on or within ten feet (10') of the ACC [Architectural Control Committee] approved driveway and slab location of any Improvement on a Lot may be removed. All other trees on a Lot are subject to the following restrictions:

(a) Lot Size of Two Acres or Less: Any live tree with a trunk diameter/caliper measured from three feet (3') off the ground, equal to or greater than four inches (4") in diameter/caliper may not be removed without ACC approval.

(b) Lot Size of Two Acres or More: Any live tree with a trunk diameter/caliper measured from three feet (3') off the ground, equal to or greater than six inches (6") in diameter/caliper may not be removed without ACC approval.

3. LANDSCAPE BUFFER:

Declaration, Section 4.04.01-Landscape Buffer: On each Lot between the front property line adjacent to the Access Road and the front building line of the Dwelling Unit, the Lot Owner shall maintain at least one landscape buffer area with dimensions of at least twenty feet (20') by forty feet (40'). The landscape buffer area shall remain in a natural, undisturbed state that includes, without limitation, all trees and understory plants.

ACC Guidelines: The ACC Guidelines reiterate the above Declaration provision. Additionally, the ACC Guidelines provide:

The following Lots have an additional landscape buffers: Lots 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 1, Phase I. Owner shall maintain a landscape buffer area with dimensions of one hundred feet (100') at the rear property line. The landscape buffer area shall remain in a natural, undisturbed state that includes, without limitation, all trees and under story plants.

In addition, Lot 1, Block 1, Phase I shall have a fifty foot (50') landscape buffer as described above on the east side of said Lot.

4. SHORELINE CLEARING RESTRICTIONS:

Section 4.03.06 of the Declaration provides:

The Owner of a Lake Lot may not clear, disturb or remove natural shoreline vegetation existing along the shore of such Lake Lot without the prior approval of the ACC. The ACC will allow the Owner to clear no more than forty percent (40%) of the natural shoreline vegetation located within one hundred feet (100') of the shoreline existing as of the date

hereof provided the Owner complies with the provisions of Article 2 [Declaration] in seeking the ACC's approval. For each ten percent (10%) of shoreline vegetation cleared by Owner, the ACC may require the Owner to plant, within one hundred feet (100') of the property line abutting the Lake, at least one disease resistant hybrid live oak tree with a minimum diameter of two inches (2") and a minimum height of six feet (6').

5. FAILURE TO COMPLY:

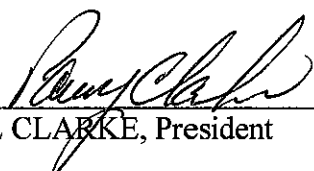
Failure of an Owner to comply with the conservation provisions reiterated in this Policy shall constitute a violation of the Dedicatory Instruments. Such violations may be subject to fines, costs, charges, attorney's fees and any other remedies pursuant to the Dedicatory Instruments and as set forth in the Duck Haven Homeowners Association, Inc. Deed Restriction Enforcement and Fine Policy. Further, a Certificate of Non-Compliance may be recorded in the real property records notifying the public of any outstanding violations on the Lot.

This Vegetation Conservation Policy does not apply to property that is owned or maintained by the Association, as same is governed by separate provisions in the Dedicatory Instruments.

CERTIFICATION

I hereby certify that the foregoing Vegetation Conservation Policy was approved on the 23rd day of October, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED this the 23rd day of October, 2012.

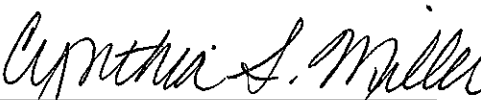


PAUL CLARKE, President

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

BEFORE ME, on this day personally appeared Paul Clarke, the President of the Duck Haven Homeowners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, the 23rd day of October, 2012.



Notary Public – State of Texas



After Recording Please Return To:
Stephanie L. Quade
Roberts Markel Weinberg P.C.
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056