

SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS
for
INDIAN LAKES HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

The undersigned, being the Authorized Representative of Indian Lakes Homeowners Association, Inc. (the "Association"), a property owner's association as defined in Section 202.001 of the Texas Property Code, hereby supplements instruments entitled "Notice of Dedicatory Instruments for Indian Lakes Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Indian Lakes Homeowners Association, Inc." and "Supplemental Notice of Dedicatory Instruments for Indian Lakes Homeowners Association, Inc." recorded in the Official Public Records of Real Property of Brazos County, Texas under Clerk's File Nos. 2016-1261798, 1318351 and 1318389 ("Notice") which Notice was filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following document is a Dedicatory Instrument governing the Association.

- **Guidelines Relating to Solar Energy Devices and Storm and Energy Efficient Shingles for Indian Lakes Homeowners Association, Inc.**

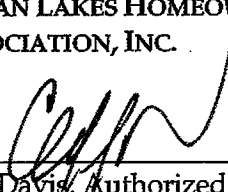
A true and correct copy of such Dedicatory Instrument is attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Brazos County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copy of the Dedicatory Instrument attached to this Supplemental Notice is a true and correct copy of the original.

Executed on this 12th day of January, 2018.

**INDIAN LAKES HOMEOWNERS
ASSOCIATION, INC.**

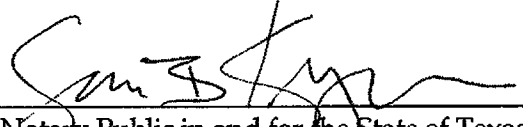
By:



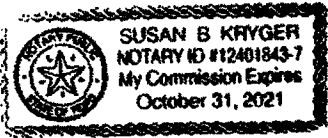
Cliff Davis, Authorized Representative

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 12th day of January, 2018 personally appeared Cliff Davis, Authorized Representative of Indian Lakes Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.



Notary Public in and for the State of Texas



**GUIDELINES RELATING TO SOLAR ENERGY DEVICES AND
STORM AND ENERGY EFFICIENT SHINGLES**
for
INDIAN LAKES HOMEOWNERS ASSOCIATION, INC.

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

I, Cindy Miller, Secretary of Indian Lakes Homeowners Association, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 18th day of December, 2017, with at least a quorum of the Board being present and remaining throughout, and being duly authorized to transact business, the following Guidelines Relating to Solar Energy Devices and Storm and Energy Efficient Shingles (these "Guidelines") were duly approved by a majority vote of the members of the Board in attendance:

RECITALS:

1. Chapter 202 of the Texas Property Code was amended to add sections relating to solar energy devices and storm and energy efficient shingles.
2. The Board desires to adopt guidelines relating to solar energy devices and storm and energy efficient shingles consistent with the applicable provisions in Chapter 202 of the Texas Property Code.

WITNESSETH:

Section 1. Definitions. Capitalized terms used in these Guidelines have the following meanings:

- 1.01. **Architectural Control Committee** or ACC - The Architectural Control Committee of the Association as established by the Declaration.
- 1.02. **Association** - Indian Lakes Homeowners Association, Inc., a Texas non-profit corporation.
- 1.03. **Declaration** - The instrument entitled "Declaration of Covenants, Conditions, Reservations and Restrictions of Villages of Indian Lakes" recorded in the Official Public Records of Real Property of Brazos County, Texas in Volume 5375, Page 33, *et seq.*, as amended and supplemented.
- 1.04. **Dedicatory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties under the jurisdiction of the Association as more particularly defined in Section 202.001(1) of the Texas Property Code.

- 1.05. **Dwelling** - A single family residential dwelling situated on a Lot.
- 1.06. **Guidelines** - These Guidelines Relating to Solar Energy Devices and Storm and Energy Efficient Shingles for Indian Lakes Homeowners Association, Inc.
- 1.07. **Subdivision** - The Property as defined in the Declaration, as amended or supplemented.

Other capitalized terms used in these Guidelines, but not defined in this Section 1, have the same meanings as that ascribed to them in the Declaration.

Section 2. Solar Energy Devices. Section 202.010 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device except as otherwise provided therein. As used in Section 202.010 of the Texas Property Code, "solar energy device" has the meaning assigned by Section 171.107 of the Tax Code, which defines the term as "a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated power". The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

The following guidelines are applicable to solar energy devices in the Subdivision:

- 2.1. **ACC Approval.** The installation of a solar energy device requires the prior written approval of the ACC. Provided that, the ACC may not withhold approval if these Guidelines are met or exceeded, unless the ACC determines in writing that placement of the device as proposed 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 written approval of the proposed placement of the device by all Owners of property adjoining the Lot in question constitutes prima facie evidence that substantial interference does not exist.
- 2.2. **Location.** A solar energy device is not permitted anywhere on a Lot except on the roof of the Dwelling or other permitted structure on the Lot or in a fenced yard or patio within the Lot.
- 2.3. **Devices Mounted on a Roof.** A solar energy device mounted on the roof of the Dwelling or other permitted structure on a Lot
 - a. may not extend higher than or beyond the roofline;
 - b. must conform to the slope of the roof and have a top edge that is parallel to the roofline;
 - c. must have frames, support brackets and/or visible piping or wiring that are silver, bronze or black tone, as commonly available in the marketplace; and
 - d. must be located on the roof as designated and approved by the ACC and may not be visible from a street in front of the Dwelling unless an alternate location increases the estimated annual energy production of the device by more than

ten percent (10%) above the energy production of the device if located in the area designated by the ACC. For determining estimated annual energy production, the parties must use a publicly available modeling tool provided by the National Renewable Energy Laboratory. The ACC will not approve a solar energy device to be mounted on the front portion of a roof except as required by Texas Property Code Section 202.010(d)(5)(B). The "front portion of a roof" includes, but is not limited to, any portion of a roof on a building on the property that slopes toward the front property line of the property

- 2.4. **Visibility.** A solar energy device located in a fenced yard or patio may not be taller than or extend above the fence enclosing the yard or patio.
- 2.5. **Warranties.** A solar energy device may not be installed on a Lot in a manner that voids material warranties.
- 2.6. **Limitations.** A solar energy device is not permitted on a Lot if, as adjudicated by a court, it threatens the public health or safety or violates a law.

Section 3. Storm and Energy Efficient Shingles. Section 202.011 of the Texas Property Code provides that a property owners' association may not enforce a provision in a dedicatory instrument that prohibits or restricts a property owner who is otherwise authorized to install shingles on the roof of the Owner's property from installing shingles that:

- a. are designed to:
 - (i) be wind and hail resistant;
 - (ii) provide heating and cooling efficiencies greater than those provided by customary composition shingles; or
 - (iii) provide solar generation capabilities; and
 - b. when installed:
 - (i) resemble the shingles used or otherwise authorized for use on property in the subdivision;
 - (ii) are more durable than and are of equal or superior quality to the shingles described below; and
 - (iii) match the aesthetics of the property surrounding the Owner's property.
- 3.1. **ACC Approval.** In order to confirm the proposed shingles conform to the foregoing guidelines, Owners are encouraged to apply to the ACC for prior approval. The Association may require an Owner to remove shingles that do not comply with these Guidelines.
 - 3.2. **Regulations.** When installed, storm and energy efficient shingles must resemble, be more durable than, and be of equal or superior quality to the types of shingles otherwise required or authorized for use in the Subdivision. In addition, the storm or energy efficient shingles must match the aesthetics of the Lots surrounding the Lot in question.

3.3 These Guidelines replace and supersede any previous rules, regulations, guidelines and/or policy(s), if any, addressing solar energy devices, storm shingles and/or energy efficient shingles.

In the event of a conflict between a provision in the Declaration and a provision in these Guidelines that is based upon applicable law, the provision in these Guidelines controls.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Guidelines Relating to Solar Energy Devices and Storm and Energy Efficient Shingles were approved by a majority vote of the Board as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Brazos County, Texas.

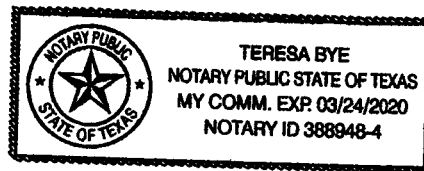
INDIAN LAKES HOMEOWNERS ASSOCIATION, INC.

By: Cindy Miller
Cindy Miller, Secretary

THE STATE OF TEXAS §
COUNTY OF Brazos §

BEFORE ME, the undersigned notary public, on this 5th day of January, 2018 personally appeared Cindy Miller, Secretary of Indian Lakes Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.

Teresa Bye
Notary Public in and for the State of Texas



**Brazos County
Karen McQueen
County Clerk**

Instrument Number: 1318584
Volume : 14451
ERecordings - Real Property

Recorded On: January 17, 2018 07:41 AM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$50.00

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

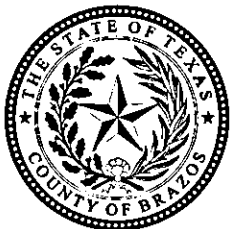
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 1318584
Receipt Number: 20180115000005
Recorded Date/Time: January 17, 2018 07:41 AM
User: Karen M
Station: mxl65033q8

Record and Return To:

eRx
8600 Harry Hines Blvd. Ste 300
Dallas TX 75235



STATE OF TEXAS
COUNTY OF BRAZOS

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Public Records of Brazos County, Texas.

Karen McQueen
County Clerk
Brazos County, TX