

CYPRESS FOREST COMMUNITY ASSOCIATION, INC.  
REGULATION OF SOLAR PANELS, ROOF SHINGLES,  
FLAGS, FLAG POLES, RELIGIOUS ITEMS AND RAIN BARRELS

STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS           §

WHEREAS, CYPRESS FOREST COMMUNITY ASSOCIATION, INC.(the “Association”), is the governing entity for Cypress Forest, an addition in Harris County, Texas, as more particularly described in Exhibit “A”, attached hereto (the “Subdivision”); and

WHEREAS, Chapter 202 of the Texas Property Code was amended to add Sections 202.010, 202.011, 202.012, 202.018, and 202.007(d) which require the Associations to allow solar panels, certain roofing materials, flags, flag poles, religious items and rain barrels, and authorizes the Association to regulate such items; and

WHEREAS, the Association, through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein; and

WHEREAS, in the event of a conflict between these Regulations and any previously adopted regulations regarding this subject matter, these Regulations shall control;

NOW THEREFORE, in accordance with the foregoing, the Association hereby adopts the following Regulations:

**I. Solar panels are permitted to the extent required by 202.010 of the Texas Property Code, subject to the following regulations:**

- 1) The owner shall first apply to and receive written approval from the Architectural Control Committee (ACC) prior to installation of any solar panels or other solar items (collectively “Solar Panels”) permitted by 202.010.
- 2) Solar Panels shall be located in a fenced-in yard or patio OR on the roof of the house or other approved structure, not visible from the front of the structure, and in a location approved by the ACC (subject to any limitation imposed by 202.010).
- 3) Solar Panels shall be located entirely on the property of the owner erecting the Solar Panels and shall not be located on any other lot, property or common area.
- 4) When mounted on a structure, no Solar Panel may be higher or wider than the roofline of the structure it is mounted on.

- 5) When mounted on a structure, the top edge of all Solar Panels shall be parallel with the roofline and shall conform to the slope of the roofline.
- 6) If located in a fenced-in yard or patio, the Solar Panels shall be lower than the fence line of the yard or patio.
- 7) Solar Panels shall not cause an unreasonable or disproportionate visual impact on neighboring lots. If the Solar Panels would “substantially interfere with the use and enjoyment of land causing unreasonable discomfort or annoyance to persons of ordinary sensibilities” it will not be allowed unless all adjoining owner’s give their written approval. The Architectural Control Committee (ACC) will decide what is an unreasonable or disproportionate visual impact on neighboring lots and will inform the property owner of what changes must be made to correct any unreasonable or disproportionate visual impact.
- 8) Solar Panel frames, brackets, wires and pipes shall be a shade of silver, bronze or black.

**II. To the extent required by 202.011 of the Texas Property Code, Owners are entitled to install roof shingles designed primarily to be wind and/or hail resistant; shingles that provide heating and cooling efficiencies greater than those provided by customary composite shingles; and shingles that provide solar generation capabilities (collectively referred to as “Alternative Shingles”), subject to the following regulations:**

- 1) The owner shall first apply to and receive written approval from the ACC prior to installation, alteration or modification of Alternative Shingles.
- 2) Alternative Shingles shall resemble the shingles commonly used on property in the Association.
- 3) Alternative Shingles shall be more durable than and of equal or superior quality than the shingles commonly used on property in the Association.
- 4) Alternative Shingles shall match the aesthetics of the property surrounding the owner’s property.

**III. To the extent required by 202.012 of the Texas Property Code, Owners are entitled to display a United States Flag, a Texas State Flag, or a replica flag of any branch of the United States Armed Forces (“Permitted Flags”), and to install a flag pole on their property for the purpose of displaying the Permitted Flags; subject to the following regulations:**

- 1) The Owner shall first apply to and receive written approval from the ACC prior to installation of any flag pole.
- 2) United States Flags must be displayed in accordance with 4 U.S.C. Sections 5-10.

- 3) United States Flags must be displayed in accordance with 4 U.S.C. Sections 5-10.
- 4) The Texas Flag must be displayed in accordance with Chapter 3100 of the Texas Government Code.
- 5) Only Permitted Flags may be displayed within the Association.
- 6) Permitted Flags shall be displayed from a pole attached to a structure OR from a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage or entry door.
- 7) A flag pole attached to a structure shall be limited to one per lot, shall be no more than 6 feet long and shall be securely attached by a bracket with an angle of 30 to 45 degrees down from vertical. The flag pole shall be attached in such a manner as to not damage the structure. One attached flag pole is allowed on the front portion of a structure facing the street in a location approved by the ACC. Brackets which accommodate multiple flag poles are prohibited.
- 8) A flag pole, whether attached to a dwelling or freestanding, shall be constructed of permanent, long-lasting materials with a finish appropriate to the materials used in the construction of the flag pole and harmonious with the dwelling. Flag poles shall be commercially produced and not home-made, they shall not be constructed of wood or plastic.
- 9) Only one of each Permitted Flag may be displayed at any one time.
- 10) The flag display and flag pole shall conform to all setbacks, easements, and zoning ordinances.
- 11) Flags and flag poles must be maintained in good condition; flags and poles that are deteriorating or represent an unsafe condition shall be repaired, replaced or removed.
- 12) Free-standing flag poles, are limited to one per lot, in a location approved by the ACC in writing, and shall not exceed 20 feet in height (including any ornamental cap) and 9 inches in diameter. Free-standing flag poles shall be permanently installed in the ground according to the manufacturer's instructions.
- 13) Permitted Flags are limited in size to 3 feet tall by 5 feet wide.

- 14) Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting shall be:
  - a) approved in writing by the ACC prior to installation, and
  - b) shall be ground mounted in the vicinity of the flag, and
  - c) shall utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover, and
  - d) shall point towards the center of the flag and face the main structure on the property or to the center of the property if there is no structure, and
  - e) shall not provide illumination exceeding the equivalent of a 60 watt incandescent bulb.
- 15) Flag poles shall not generate unreasonable noise levels which would disturb the surrounding residents. In order to minimize noise all flag poles shall utilize vinyl or plastic snap hooks, shall utilize snap hook covers and may secure a rope around the flag pole with a flag pole clasp, or do whatever else is necessary to comply.
- 16) An owner can only place a flag pole or flag on his own property and no other lot, property or common area.
- 17) Flag poles are permitted solely for the purpose of displaying Permitted Flags. If a flag pole is not longer used on a daily basis it shall be removed by the Owner.

**IV. Religious Items related to any faith that is motivated by an Owner's sincere religious belief or tradition, may be displayed, as required by 202.018 of the Texas Property Code, subject to the following regulations:**

- 1) The religious item cannot threaten public health or safety.
- 2) The religious item cannot violate any law.
- 3) The religious item cannot contain language, graphics or other display that is patently offensive to a passerby.
- 4) The religious item must be located on the entry door or entry door frame and cannot extend past the outer edge of the door frame of the dwelling.
- 5) The maximum space allotted to a religious item or combination of religious items shall be no more than 25 square inches.
- 6) The Association may remove any item that does not conform to these regulations.

**V. Rainwater Recovery Barrels or Systems (“Barrels/System”) shall be permitted to the extent required by 202.007(d), subject to the following regulations:**

- 1) The Owner shall first apply to and receive written approval from the ACC prior to installation of any Barrels/System.
- 2) The Barrels/System must be of a color that is consistent with the color scheme of the owner’s home.
- 3) The Barrels/System cannot be located between the front of the owner’s home and an adjoining or adjacent street. (the front yard)
- 4) The Barrels/System must not display any language or other content that is not typically included on the item when it is manufactured.
- 5) The Association may regulate the size, type, materials and manner of screening for Barrels/System that are visible from the street, another lot, or common area.
- 6) There must be sufficient area on the owner’s property to install the Barrels/System, no Barrels/ System shall be located on or extend onto any property other than the owner’s lot.
- 7) Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Barrels/ System, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common are.
- 8) Screening may be accomplished by an approved solid fence, structure or vegetation; by burying the tanks/barrels; or by placing the equipment in an outbuilding approved by the ACC.
- 9) A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above, so long as:
  - a) the barrel does not exceed 55 gallons, and
  - b) the barrel is installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle, and
  - c) the barrel is fully painted in a single color to blend with the adjacent home or vegetation, and
  - d) any hoses attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible location when not in use.



**EXHIBIT "A"**

Cypress Forest, an addition in Harris County, Texas, according to the plats-K525722, M471043, K710407, P377340 and K641994 thereof recorded in Plat Records of Harris County, Texas. Harris County Clerk's File K742985, M790586, N699312, P218360, P386097, P670361 of Harris County, Texas.

After Recording Return to:  
Principal Management Group  
11000 Corporate Centre Drive, Suite 150  
Houston, Texas 77041

CYPRESS FOREST COMMUNITY ASSOCIATION, INC.  
PAYMENT PLAN POLICY

STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS           §

WHEREAS, Cypress Forest Community Association, Inc. (the “Association”), is the governing entity for Cypress Forest, an addition in Harris County, Texas, as more particularly described in Exhibit “A”, attached hereto (the “Subdivision”); and

WHEREAS, Chapter 209 of the Texas Property Code was amended, effective January 1, 2012, to add Section 209.0062, which requires the Association to adopt and record alternative payment schedule guidelines (“Payment Plans”) for assessments; and

WHEREAS, the Association, through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein;

NOW THEREFORE, in order to comply with Section 209.0062, the Association hereby adopts the following Payment Plan guidelines:

- 1) All Owners are entitled to one approved Payment Plan to pay their annual assessment.
- 2) All Payment Plans require a down payment and monthly payments.
- 3) Upon request, all Owners are automatically approved for a Payment Plan consisting of 25 % down, with the balance paid off in 3 monthly installments.
- 4) Alternative Payment Plan proposals shall be submitted to and approved by the Association in writing; the Association is not obligated to approve alternative Payment Plan proposals.
- 5) A Payment Plan must include sequential monthly payments. The total of all proposed payments under the Plan must equal the current balance plus the Payment Plan administrative fees, plus the estimated accrued interest.
- 6) If an owner requests a Payment Plan that will extend into the next assessment period, the owner shall be required to pay future assessments by the due date in addition to the payments specified in the Payment Plan.
- 7) All Payment Plans must be in writing on a form provided by the Association, or a form otherwise approved by the Association.
- 8) If an owner defaults on the Payment Plan the Payment Plan is terminated. Default of a Payment Plan includes:





**EXHIBIT "A"**

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CYPRESS FOREST COMMUNITY ASSOCIATION, INC.  
BOOKS AND RECORDS PRODUCTION POLICY

STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS           §

WHEREAS, Cypress Forest Community Association, Inc. (the “Association”), is the governing entity for Cypress Forest, an addition in Harris County, Texas, as more particularly described in Exhibit “A”, attached hereto (the “Subdivision”); and

WHEREAS, Chapter 209 of the Texas Property Code was amended, effective January 1, 2012, to add Section 209.005, which requires the Association to adopt and record a policy regarding guidelines for production of Association Books and Records to owners; and

WHEREAS, the Association, through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein;

NOW THEREFORE, in order to comply with Section 209.005, the Association hereby adopts the following Books and Records Production Policy:

**I. Copies of Association Books and Records will be available to all Owners upon their proper request and at their own expense. A proper request:**

- a. is sent certified mail to the Association’s address as reflected in its most recent management certificate; and
- b. is from an Owner, or the Owner’s agent, attorney, or certified public accountant; and
- c. contains sufficient detail to identify the Books and Records being requested.

**II. Owners may request to inspect the Books and Records OR may request copies of specific Books and Records.**

-If the owner makes a request to *inspect* the Books and Records, then the Association will respond **within 10 business days** of the request, providing the dates and times the Books and Records will be made available and the location of the Books and Records. The Association and the owner shall arrange for a mutually agreeable time to conduct the inspection. The Association shall provide the owner with copies of specific documents requested during the inspection upon the owner paying the Association the cost thereof.

-If the owner makes a request for *copies of specific Books and Records*, the Association shall, **within 10 business days** of the owner's request, send a response letter advising on the date that the requested copies will be made available (**must be available within 15 business days of the response letter**) and the cost the owner must pay before the requested copies will be provided. Upon paying the cost of producing the requested copies, the Association shall provide the requested copies to the owner.

**III. The Association hereby adopts the following schedule of costs:**

<u>COPIES</u>	10 cents per page, for a regular 8.5" x 11" page
	50 cents per page, for pages 11" x 17" or greater
	Actual cost, for specialty paper (color, photograph, map, etc...)
	\$1.00 for each CD or audio cassette and \$3.00 for each DVD
<u>LABOR</u>	\$15.00 per hour, actual time to locate, compile and reproduce the Books and Records (can only charge if request is greater than 50 pages in length)
<u>OVERHEAD</u>	20% of the total labor charge (can only charge if request is greater than 50 pages in length)
<u>MATERIALS</u>	actual costs of labels, boxes, folders, and other supplies used in producing the Books and Records, along with postage for mailing the Books and Records

**IV. If the estimated cost provided to the Owner is more or less than the actual cost of producing the documents, the Association shall, within 30 days after providing the records, submit to the owner either an invoice for additional amounts owed or a refund of the overages paid by the Owner.**

**V. Unless authorized in writing or by court order, the Association will not provide copies of any records that contain the personal information of an owner, including restriction violations, delinquent assessments, financial information, and contact information.**

CYPRESS FOREST COMMUNITY ASSOCIATION, INC.

CERTIFICATION

“I, the undersigned, being the President of Cypress Forest Community Association, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Association Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 2011.”

By: \_\_\_\_\_, President

Print name: \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF TEXAS                    §  
  §  
COUNTY OF HARRIS               §

BEFORE ME, the undersigned authority, on this day, personally appeared the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public, State of Texas

**EXHIBIT "A"**

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CYPRESS FOREST COMMUNITY ASSOCIATION, INC.

RECORDS RETENTION POLICY

STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS           §

WHEREAS, Cypress Forest Community Association, Inc. (the “Association”), is the governing entity for Cypress Forest, an addition in Harris County, Texas, as more particularly described in Exhibit “A”, attached hereto (the “Subdivision”); and

WHEREAS, Chapter 209 of the Texas Property Code was amended, effective January 1, 2012, to add Section 209.005(m), which requires the Association to adopt and record a policy regarding retention of Association Books and Books and Records; and

WHEREAS, the Association, through its Board of Directors, shall have and may exercise discretionary authority concerning the restrictive covenants contained herein;

NOW THEREFORE, in order to comply with Section 209.005(m), the Association hereby adopts the following Records Retention Policy:

The Association shall maintain its records as follows:

<b><u>RECORD</u></b>	<b><u>RETENTION PERIOD</u></b>
Certificate of Formation/ Articles of Incorporation, Bylaws, Declarations and all amendments to those documents.	PERMANENT
Association Tax Returns and Tax Audits	SEVEN (7) YEARS
Financial Books and Records	SEVEN (7) YEARS
Account Records of Current Owners	FIVE (5) YEARS
Contracts with a term of more than one year	FOUR (4) YEARS AFTER CONTRACT EXPIRES
Minutes of Member Meetings and Board Meetings	SEVEN (7) YEARS

Records not listed above are not subject to retention. Upon expiration of the retention date, the applicable records may be destroyed.

CYPRESS FOREST COMMUNITY ASSOCIATION, INC.

CERTIFICATION

“I, the undersigned, being the President of Cypress Forest Community Association, Inc., hereby certify that the foregoing Resolution was adopted by at least a majority of the Association Board of Directors on the \_\_\_\_ day of \_\_\_\_\_, 2011.”

By: \_\_\_\_\_, President

Print name: \_\_\_\_\_

ACKNOWLEDGEMENT

STATE OF TEXAS §

§

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day, personally appeared the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public, State of Texas



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