FILED

MAR 10 2020

County Clerk, Hood County, TX

AMENDMENT AND SUPPLEMENT TO THE RULES AND DESIGN GUIDELINES FOR ORCHARDS ON THE BRAZOS PROPERTY OWNERS ASSOCIATION, INC.

WHEREAS, this Amendment and Supplement to the Rules and Design Guidelines of ORCHARDS ON THE BRAZOS PROPERTY OWNERS ASSOCIATION, Inc. ("Corporation") has been approved pursuant to the applicable provisions of the Texas Business Organizations Code, and all governing documents of the Corporation. All provisions of this Amendment and Supplement to the Rules and Design Guidelines are subject to the provisions of the Certificate of Formation of the Corporation and any amendments thereto. The following resolutions have been approved by the Board of Directors of the Corporation and as such are to be included as an amendment and/or supplement to the already existing Rules and Design Guidelines of the Corporation, and all other provisions of the original Rules and Design Guidelines are hereby reaffirmed and republished in their original form, except as changed herein.

NOW, THEREFORE, THE ORCHARDS ON THE BRAZOS PROPERTY OWNERS ASSOCIATION, Inc., does hereby adopt and establish the following amendments and/or supplements for the Rules and Design Guidelines which shall be applicable to all of the property owners.

A.) **RESOLVED**, that Part 1, Paragraph E.8 of the Rules and Design Guidelines is amended to read as follows:

8. Vehicles. Automobiles and non-commercial trucks and vans shall be parked only in garages or in the driveways serving the Owner's Tract or Lot unless otherwise approved by the Board; provided however, the Board may designate certain on-street parking areas for visitors or guests subject to reasonable rules. For purposes of these Rules and Design Guidelines, a vehicle will be considered "parked" if it remains in the same or similar location on a Tract or Lot or otherwise in the Development for three (3) or more days in any seven (7) day period. Such vehicles not parked in approved locations shall be considered a nuisance and may be removed from the Development.

B.) **RESOLVED**, that Part III, Paragraph A.42 of the Rules and Design Guidelines is amended to read as follows:

42. Temporary Structures.

(a) No structure of a temporary character, including but not limited to a trailer, motor home, recreational vehicle, boat, tent, basement, shack, garage, barn or other outbuilding shall be maintained or used on any Tract or Lot at any time as a residence, either temporarily or permanently, except as provided below. No Tract or Lot shall be used as a camping ground for longer than ten (10) consecutive days or more than thirty (30) days per calendar year.

(b) Temporary structures, including business offices, portable restroom facilities, or construction storage facilities may be located on a Tract or Lot while the main residence for a Tract or Lot is actively under construction, provided that such are removed upon substantial

completion of construction and are not located on a Tract or Lot for longer than the time allowed for construction of a dwelling or improvement pursuant to Part III, Paragraph A.15 hereunder.

C.) RESOLVED, that Part III, Paragraph A.43 of the Rules and Design Guidelines is amended to read as follows:

43. Storage and Use of RVs, Boats, Trailers, and Other Personal Property.

(a) For purposes of these Rules and Design Guidelines the following terms shall have the meaning as provided below:

i. "RV or Recreational Vehicle" shall mean any motor vehicle or trailer traditionally used for camping, or which is equipped with living space and/or amenities usually found in a home or residence.

ii. "Large Boat" shall mean a watercraft that measures more than twenty five feet (25') in length;

iii. "Large Equipment" shall mean farm equipment; tractors (greater than 75hp); buses; commercial vehicles (being a vehicle with a rated capacity of one ton or more); trailers that measure more than twenty five feet (25') in length; and heavy construction equipment.

(b) All RVs, Large Boats, and Large Equipment shall be stored or parked in an enclosed structure. No open storage shall be permitted for any RV, Large Boat, or Large Equipment at any time.

(c) Notwithstanding any other provisions, an Owner may use a Recreational Vehicle on their Tract or Lot no more than ten (10) consecutive days and in no event for more than thirty (30) days per calendar year. With prior written approval from the Board, an RV may be used as temporary residence during construction, not to exceed 12 months, provided an approved septic system has been installed for the RV and the RV is placed at the rear of the construction site.

(d) All golf carts, all-terrain vehicles, small boats, small trailers, small equipment, lawn equipment, and other personal property not prohibited under subparagraphs (a) and (b) above shall be permitted to be parked or stored on or in a driveway and/or garage on a Tract or Lot, or other areas approved by the Board, but shall not be required to be stored in an enclosed structure.

D.) RESOLVED, that Part III the Rules and Design Guidelines is supplemented to add, Paragraph 51, to read as follows:

51. Pools and Hot Tubs. For the purpose of these Design Guidelines, "swimming pool," "hot tub," or "spa" means any structure intended for swimming and/or recreational or medical bathing or soaking, with a capacity for water more than 24 inches deep, including in-ground, above-ground and on-ground swimming pools, hot tubs, and spas. All swimming pools, hot

tubs, and spas require the approval of the ACC. Swimming pools, hot tubs, and spas must comply with all applicable state and local laws and regulations. All swimming pools, hot tubs, and spas shall be fenced in its entirety with a minimum fence height of four (4) feet in height and have locking or childproof gates constructed of an improved fence material by the ACC. The effective date of this supplemented provision is June 1, 2019, with an eighteen (18) month extension to meet these requirements for any swimming pool, hot tub, or spa in existence as of June 1, 2019.

These Amendments are intended to amend and supplement the provisions of the existing Rules and Design Guidelines for Orchards Property Owners Association, Inc., dated June 28, 2013, and recorded in Document Number: 2013-0008081, Real Property Records of Hood County, Texas, only to the extent especially set forth above. All of the terms, covenants, provisions, and conditions set forth in the aforementioned Rules and Design Guidelines are ratified and confirmed except as amended or supplemented by this Amendment and Supplement to said Rules and Design Guidelines.

The undersigned, being the duly elected, qualified, and acting President and Secretary of ORCHARDS ON THE BRAZOS PROPERTY OWNERS ASSOCIATION, Inc., a Texas Non-Profit Corporation, and the keeper of the minutes and records of the Corporation, certifies that the above is a true and accurate copy of the amendments and supplements to the Rules and Design Guidelines for Orchards Property Owners Association, Inc. as adopted by the Board of Directors at meetings held on May 18, 2019 and July 13, 2019, and executed as evidenced below.

IT WITNESS WHEREOF, the ORCHARDS ON THE BRAZOS PROPERTY OWNERS ASSOCIATION, Inc. has caused this instrument to be executed on the _____ day of February, 2020.

ORCHARDS ON THE BRAZOS PROPERTY OWNERS ASSOCIATION, INC.

By: _____
ROLAND STEGALL, President

By: _____
LINDA WOODELL, Secretary

CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF HOOD §

SWORN TO, ACKNOWLEDGED, AND SUBSCRIBED before me this 8th day of February, 2020, by Roland Stegall, as President of Orchards on the Brazos Property Owners Association, Inc., a Texas Non-Profit Corporation, on behalf of said Corporation.

WILLIAM A. VINEYARD
Notary Public, State of Texas
Comm. Expires 02-24-2023
Notary ID 130128752

Notary Public, State of Texas

CORPORATE ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF HOOD §

SWORN TO, ACKNOWLEDGED, AND SUBSCRIBED before me this 8th day of February, 2020, by Linda Woodell, as Secretary of Orchards on the Brazos Property Owners Association, Inc., a Texas Non-Profit Corporation, on behalf of said Corporation.

Notary Public, State of Texas

WILLIAM A. VINEYARD
Notary Public, State of Texas
Comm. Expires 02-24-2023
Notary ID 130128752

AFTER RECORDING RETURN TO:

P.O. Box 2402
Glen Rose, TX 76043