



PHEASANT CREEK HOMEOWNERS ASSOCIATION, INC.

2204 Timberloch Place, Suite 245
The Woodlands, Texas 77380
Tel. No. (281) 296-9775 / Fax No. (281) 296-9788
conmgsvc@swbell.net

ASSOCIATION'S POLICIES/GUIDELINES [Recorded Pursuant to Sections 202.007, 202.009, 202.010, 202.011 and 202.018, Title 11, Texas Property Code]

- I. The name of the Subdivision is Pheasant Creek.
- II. The name of the Association is Pheasant Creek Homeowners Association (the "Association").
- III. The recording data (i.e., Map or Plat reference) for each Section of the Subdivision, and the recording data for the Declaration (i.e., Deed Restrictions) for each Section of the Subdivision is as follows:

Map(s) or Plat(s) Records of Fort Bend County, Texas:

- (i) Pheasant Creek, Section One (1): Volume 22, Page 32 of the Plat Records of Fort Bend County, Texas; and
- (ii) Pheasant Creek, Section Two (2): Volume 31, Page 2; Volume 31, Page 12; and Volume 33, Page 8 of the Plat Records of Fort Bend County, Texas.

Deed Restrictions (Deed Records of Fort Bend County, Texas):

- (i) Declaration of Covenants, Conditions and Restrictions for Pheasant Creek, Section One - Fort Bend County Clerk's File No. 92546; and
- (ii) Declaration of Covenants, Conditions and Restrictions for Pheasant Creek, Section Two - Fort Bend County Clerk's File No. 48544.

- IV. ASSOCIATION'S POLICIES/GUIDELINES REGARDING: (I) U. S. FLAGS, TEXAS FLAGS AND CERTAIN MILITARY FLAGS; (II) SOLAR PANELS/SOLAR ENERGY DEVICES; (III) STORM, SOLAR AND/OR ENERGY EFFICIENT ROOF SHINGLES; (IV) RAIN BARRELS AND/OR RAINWATER HARVESTING SYSTEMS; (V) RELIGIOUS DOOR AND/OR ENTRYWAY DISPLAYS; AND (VI) POLITICAL SIGNS: The following Association Policies/Guidelines were approved by at least a majority vote of the Board of Directors of PHEASANT CREEK HOMEOWNERS ASSOCIATION (the "Board"), at a duly called Meeting of the Board held on the 06th day of December, 2011, at which Meeting a quorum was present:

a) Policies/Guidelines regarding Flags and Flag Poles:

- 1. Prior to installation of a flagpole, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.
- 2. The following flags may be displayed by an Owner or Resident of an occupied premises: 1) one flag of the United States of America; 2) one flag of the State of Texas; and 3) one

official or replica flag of any branch of the United States armed forces.

3. The flag of the United States must be displayed in accordance with *4 USC Sections 5-10*.
4. The flag of the State of Texas must be displayed in accordance with *Chapter 3100, Texas Government Code*.
5. A flagpole attached to a dwelling or a freestanding flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling.
6. The display of a flag and/or the location and construction of the supporting flagpole must comply with any and all applicable easements and setbacks of record.
7. A displayed flag and the flagpole on which it is flown must be maintained in good condition. Further, any deteriorated flag or deteriorated or structurally unsafe flagpole must be timely repaired, replaced or removed.
8. Only one of each type of flag identified in item "2" above may be displayed at an occupied premises.
9. No flags may be displayed at any unoccupied (i.e., vacant) premises;
10. Any displayed flag may be no larger than 3' x 5' in size, and must be flown from an approved flagpole attached to a dwelling or from an approved freestanding flagpole. A freestanding flagpole may not exceed twenty feet (20') in height. The diameter, design, materials, color and location of any flagpole (whether attached to a dwelling or freestanding) must be approved in advance, and in writing, by the Association's Architectural Control Committee.
11. The intensity of any lights installed to illuminate a flag or flags is subject to approval by the Association so as to avoid a potential nuisance or annoyance to the neighborhood. Further, no flag may be installed or displayed in such a manner as to create excessive noise caused by an external halyard of a flagpole.
12. Unless installed or displayed by the Association, a flag or flags may not be displayed on any property owned or maintained by the Association.

b. Policies/Guidelines regarding Solar Panels and/or Solar Energy Devices:

1. Prior to installation of any solar panel or any other solar energy device, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.
2. A solar panel and/or any other solar energy device is not allowed if it threatens the public health or safety and/or if it violates any Federal, State or local law.
3. Any approved solar panel and/or any other approved solar energy device must be installed on the roof of the home or of another structure allowed under the Restrictions or, alternatively, in a fenced yard or patio owned and maintained by the property owner.
4. The following solar panels and/or other solar energy devices are prohibited:
 - a. if installed on the roof of the home: (i) it extends higher than or beyond the

roofline; (ii) it is located in an area other than an area designated by the Association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent (10%) above the energy production of the device if located in an area designated by the Association; (iii) it does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; and/or (iv) it has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;

- b. if installed in a fenced yard or patio, it is taller than the fence line;
- c. if as installed, it voids material warranties;
- d. if it was installed without the property owner first receiving the advance written approval of the Association's Architectural Control Committee; and/or
- e. if the Association or its Architectural Control Committee determines in writing that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities (*note*: for the purpose of making a determination under this sub-paragraph "e," the written approval of the proposed placement of the device by all property owners of adjoining property constitutes *prima facie* evidence that such a condition does not exist).

3. Unless installed by the Association, a solar panel and/or any other solar energy device may not be installed on any property owned or maintained by the Association.

c. **Policies/Guidelines regarding Storm, Solar and/or Energy Efficient Roof Shingles (i.e., roof shingles designed primarily to be wind and hail resistant, provide heating and cooling efficiencies greater than those provided by customary composite shingles, and/or provide solar generation capabilities):**

- 1. Prior to installation of storm, solar and/or energy efficient roof shingles, the advance written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.
- 2. When installed, any such shingles must: (a) resemble the shingles used or otherwise authorized for use on property in the Subdivision; and (b) are more durable than and are of equal or superior quality to shingles used or otherwise authorized for use on property in the Subdivision.
- 3. When installed, any such shingles must match the aesthetics of the property surrounding the owner's property.

d. **Policies/Guidelines regarding Rain Barrels and/or Rainwater Harvesting Systems:**

- 1. Prior to installation of a rain barrel(s) and/or rainwater harvesting system, the advance

written approval of the Association's Architectural Control Committee is required as set forth in the Restrictions.

2. A rain barrel(s) and/or rainwater harvesting system is not allowed if: (i) it is located between the front of the property owner's home and an adjoining or adjacent street; (ii) the barrel(s) or system is of a color other than a color consistent with the color scheme of the property owner's home; and/or (iii) the barrel(s) or system displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured.
3. The Association may regulate the size, type, and shielding of, and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if: (a) the regulation (or restriction) does not prohibit the economic installation of the device or appurtenance on the property owner's property; and (b) there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance.
4. Unless installed by the Association, a rain barrel(s) and/or rainwater harvesting system may not be installed on any property owned or maintained by the Association.

e. Policies/Guidelines regarding Religious Door and/or Entryway Displays:

1. To the extent allowed by the U. S. Constitution and the Texas Constitution, the following religious displays are prohibited: (i) displays that threaten the public health or safety; (ii) displays that violate a Federal, State or local law; (iii) displays that contain language, graphics, or any display that is patently offensive to a passerby; (iv) a display(s) in a location other than the entry door or door frame or extends past the outer edge of the door frame of the Owner's or resident's dwelling; and/or (v) individually or in combination with each other religious items displayed or affixed on the entry door or door frame which has/have a total size of greater than twenty-five (25) square inches.
2. An Owner or resident may not use a material or color for an entry door or door frame of the owner's or resident's dwelling or make an alteration to the entry door or door frame that is not authorized by the restrictive covenants governing the dwelling.
3. The Association may remove a religious item displayed in violation of a restrictive covenant.

f. Policies/Guidelines regarding Political Signs:

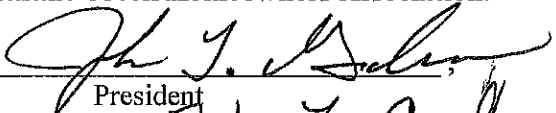
1. A property owner may display on the owner's property (i.e., Lot) one or more signs advertising a political candidate or ballot item for an election only on or after the 90th day before the date of the election to which the sign relates until the 10th day after that election date.
2. Any such political sign must be ground-mounted, and a property owner(s) may display on his and/or her Lot only one sign for each candidate or ballot item.

3. Prohibited political signs include any sign that: (1) contains roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component; (2) is attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object; (3) includes the painting of architectural surfaces; (4) threatens the public health or safety; (5) is larger than four feet by six feet; (6) violates a law; (7) contains language, graphics, or any display that would be offensive to the ordinary person; or (8) is accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.
4. The Association may remove, or cause to be removed, a sign displayed in violation of the foregoing Policy for Political Signs.

CERTIFICATION

"I, the undersigned, being the President of Pheasant Creek Homeowners Association, hereby certify that the foregoing Records Production Policy Resolution was adopted by at least a majority of the Association's Board of Directors, and such Records Production Policy Resolution has never been modified or repealed, and is now in full force and effect."

Pheasant Creek Homeowners Association.

By: 
President

Printed name: John Y. Godfree

Date: 12-6-11

Pheasant Creek Homeowners Association.

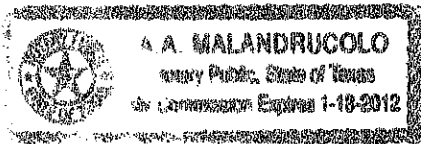
Association's Policies/Guidelines regarding Flags, Flagpoles, Solar Panels, Solar Energy Devices, Storm Roof Shingles, Solar Roof Shingles, Energy Efficient Roof Shingles, Rain Barrels, Rainwater Harvesting Systems, Religious Door and/or Entryway Displays, and Political Signs

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared John T. Godbee, President of Pheasant Creek Homeowners Association, a Texas Non-Profit Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that he executed same in the capacity and for the consideration therein expressed, and as the act and deed of such Corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 06th day of December, 2011.

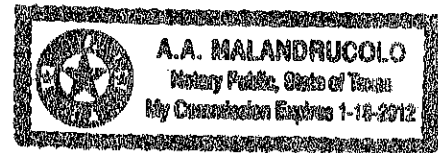
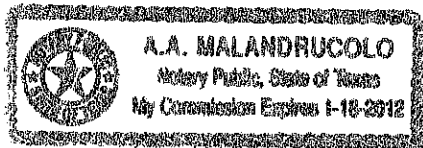


A.A. Malandrucolo

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Pheasant Creek Homeowners Association

Association's Policies/Guidelines regarding Flags, Flagpoles, Solar Panels, Solar Energy Devices, Storm Roof Shingles, Solar Roof Shingles, Energy Efficient Roof Shingles, Rain Barrels, Rainwater Harvesting Systems, Religious Door and/or Entryway Displays, and Political Signs



Return to: Michael T. Garner
Attorney at Law
9801 Westheimer, Ste 300
Houston, TX 77042⁶

AS PER ORIGINAL

RETURNED AT COUNTER TO:

Joe Donelson
9801 Westheimer # 302
Houston, TX 77042

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2011 Dec 30 03:51 PM

LJ \$31.00

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Dianne Wilson COUNTY CLERK

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