

SADDLECREEK FARMS PROPERTY OWNERS ASSOCIATION, INC.

**RESOLUTION AND GUIDELINES REGARDING
REGULATION OF SOLAR ENERGY DEVICES**

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

WHEREAS, Saddlecreek Farms Property Owners Association, Inc. (the “Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the “Declarations”);

WHEREAS, Section 202.010 of the Texas Property Code provides for the regulation of solar energy devices by a property owners’ association;

WHEREAS, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written architectural control guidelines; and,

WHEREAS, the Board of Directors (the “Board”) has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding solar energy devices therein, it is appropriate for the Association to adopt guidelines regarding solar energy devices within the community.

NOW, THEREFORE, BE IT RESOLVED THAT the following Guidelines are adopted by the Board of Directors.

GUIDELINES

I. DEFINITIONS

“Solar energy device” has the meaning assigned by Section 171.107 of the Tax Code.

II. POLICY

1. Solar energy devices may only be installed after obtaining written approval from the Architectural Control Committee (“ACC)
2. A solar energy device shall not be permitted that:
 - a. as adjudicated by a court either threatens the public health or safety; or violates a law;
 - b. is located on property owned or maintained by the Association;
 - c. is located on property owned in common by the members of the Association;
 - d. is located in an area on the property owner’s property other than:
 - i. on the roof of the home or of another structure allowed

- by the ACC; or
 - ii. in a fenced yard or patio owned and maintained by the property owner;
 - e. if mounted on the roof of the home:
 - i. extends higher than or beyond the roofline;
 - ii. 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. does not conform to the slope of the roof and has top edge that is not parallel to the roofline; or
 - iv. 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;
 - f. if located in a fenced yard or patio, is taller than the fence line;
 - g. as installed, voids material warranties; or
 - h. was installed without prior written approval by the ACC.
3. The ACC shall not withhold approval of a solar energy device if it meets the provisions of this policy unless the ACC determines in writing that placement of the device as proposed by the 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. For purposes of making this determination, 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.

These guidelines are effective upon recordation in the Public Records of Harris County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.010 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted this _____ day of _____, 2011,
by the Board of Directors of Saddlecreek Farms Property Owners Association, Inc.

SADDLECREEK FARMS PROPERTY OWNERS ASSOCIATION, INC.

Signature of Secretary

Print Name: _____

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS INSTRUMENT was **acknowledged** before me on this the ____ day of _____, 2011, by _____, Secretary of Saddlecreek Farms Property Owners Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS