

\*VG-342-2018-1886\*

**Denton County  
Juli Luke  
County Clerk**

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**Instrument Number: 1886**

Real Property Recordings

MISCELLANEOUS

Recorded On: January 05, 2018 11:11 AM

Number of Pages: 4

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**" Examined and Charged as Follows: "**

Total Recording: \$38.00

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\*\*\*\*\* 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: 1886  
Receipt Number: 20180105000207  
Recorded Date/Time: January 05, 2018 11:11 AM  
User: Carmen R  
Station: Station 1

**Record and Return To:**

SOUTHRIDGE ESTATES HOA INC  
PO BOX 668  
DENTON TX 76202

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STATE OF TEXAS  
COUNTY OF DENTON

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 Records of Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX



**SOUTHridge ESTATES HOMEOWNERS ASSOCIATION, INC.  
AMENDED REMOVAL OF DEAD OR DISEASED TREES AND PLANTS  
POLICY (NUNC PRO TUNC)**

THE STATE OF TEXAS §  
COUNTY OF DENTON §

I, Michelle A. Emick, Secretary of Southridge Estates 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 eleventh day of December, 2017, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the substantive terms of the following **AMENDED Removal of Dead or Diseased Trees and Plants Policy (Nunc pro Tunc)** were duly approved by a majority vote of the members of the Board:

## RECITALS:

1. Article X, Section 17 of the declaration of covenants, conditions and restrictions for Southridge Estates, Denton, Texas states: "Diseased or dead plants must be removed and replaced within a reasonable time."
2. The Board of Directors of the Association desires to adopt a Removal of Dead or Diseased Trees Policy consistent with this provision.
3. On December 11, 2017, the Board approved a policy containing the substantive provisions of this policy as stated herein. However, due to a clerical error, an incorrect version of the policy was recorded on December 12, 2017 as Instrument 2017-151734. It is the intent of this amendment, nunc pro tunc, to amend and replace the erroneously recorded Instrument 2017-151734 with this document, that correctly reflects the policy considered and approved by the Board on December 11, 2017.

## **POLICY PROVISIONS:**

**Section 1. Purpose.** The purpose of the Removal of Dead or Diseased Trees and Plants Policy is to provide a set of guidelines for the removal of diseased or dead plants, including trees and their component parts, as well as guidelines for their replacement, as required by the restrictive covenants and the guidelines of this policy. This policy is intended to supplement but not replace any applicable local, state and federal laws governing the disposition of diseased or dead trees.

## **Section 2. Definitions.**

2.1 **Disease** – Any abnormal condition in a plant that interferes with its vital physiological processes, caused by pathogenic microorganisms, parasites, unfavorable environmental, genetic, or nutritional factors, etc. This definition does not include seasonal dormancy of deciduous trees or of otherwise healthy plants.

2.2 **Dead Tree or Plant** – Any plant, tree, or any visible component part of a tree, that is dead, barren, unproductive, or diseased to a point that death is likely to occur before or during the next growing season. This definition specifically includes visible tree stumps, as well as the dead or diseased branches of an otherwise living tree.

2.3 **Planting Season** – This policy recognizes that there are two planting seasons generally recommended for planting trees. The months of April, May and June are defined to be the spring planting season. The months of September, October and November are defined to be the autumn planting season.

2.4 **Owner** – As defined in the declaration of covenants, conditions and restrictions for Southridge Estates, Denton, Texas.

2.5 **Lot** – As defined in the declaration of covenants, conditions and restrictions for Southridge Estates, Denton, Texas.

## **Section 3. Procedures.**

- 3.1. Upon discovery that a tree, plant, or component part of a tree or plant, is diseased or dead, the Lot Owner must promptly prune those portions determined to be dead or diseased. If the entire tree or plant is determined to be dead or diseased, the Lot Owner must remove the entire tree or plant (including the trunk, stump and roots) and replace it with an appropriate substitute within the timelines approved by this policy.
- 3.2. Any tree or plant determined to be dead within a planting season must be removed and replaced within that same planting season. Any tree or plant determined to be dead outside of a planting season must be removed and replaced during the next following planting season.
- 3.3. In the event that a Lot Owner cannot replace the tree within the timelines approved by this policy, he/she must remove it entirely and contact the Board of Directors to develop an alternative timeline for replacement.

## CERTIFICATION

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the substantive terms of the foregoing AMENDED Removal of Dead or Diseased Trees and Plants Policy (Nunc pro Tunc) were approved by a majority vote of the Board of Directors 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 Denton County, Texas.

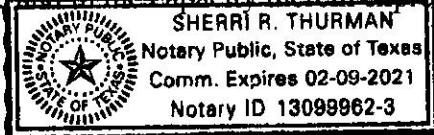
TO CERTIFY which, witness my hand this, the 5/14 day of January, 2018.

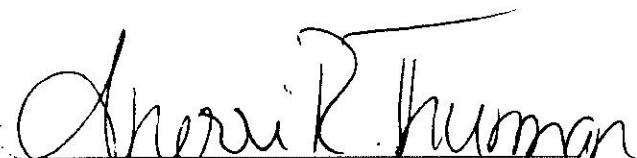
SOUTHRIDGE ESTATES HOMEOWNERS ASSOCIATION, INC.

By: Michelle A. Emick  
Print Name: Michelle A. Emick, Secretary

THE STATE OF TEXAS      §  
                                  §  
COUNTY OF DENTON      §

BEFORE ME, the undersigned notary public, on this 5 day of January, 2018 personally appeared Michelle A. Emick, Secretary of Southridge Estates Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the manner therein expressed.



  
Sherri R. Thurman  
Notary Public in and for the State of Texas

Return to:  
Southridge Estates Homeowners Association, Inc.  
P.O. Box 668  
Denton, Texas 76202-0668