

\*VG-342-2016-98611\*

Denton County  
Juli Luke  
County Clerk

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**Instrument Number:** 98611

Real Property Recordings

MISCELLANEOUS

Recorded On: August 15, 2016 08:44 AM

Number of Pages: 5

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**\*\* Examined and Charged as Follows: \*\***

Total Recording: 42.00

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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: 98611  
Receipt Number: 20160812000236  
Recorded Date/Time: August 15, 2016 08:44 AM  
User: TJ D  
Station: Station 9

**Record and Return To:**

SOUTHRIDGE ESTATES HOA INC  
PO BOX 668  
DENTON TX 76202



STATE OF TEXAS  
COUNTY OF DENTON

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time  
printed heron, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke  
County Clerk  
Denton County, TX

**SOUTHRIDGE ESTATES HOMEOWNERS ASSOCIATION, INC.**  
**SOLAR ENERGY DEVICE POLICY**

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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 eighth day of August, 2016, with at least a quorum of the Board being present and remaining throughout, and being duly authorized to transact business, the following Solar Energy Device Policy (this “**Policy**”) was duly approved by a unanimous vote of the members of the Board in attendance:

**RECITALS:**

1. Chapter 202 of the Texas Property Code was amended to add sections relating to the use of Solar Energy Devices.
2. The Board of Directors of the Association desires to adopt a Policy relating to the use of Solar Energy Devices, consistent with the applicable provisions in Chapter 202 of the Texas Property Code.

**POLICY PROVISIONS:**

**Section 1. Definitions.** Capitalized terms used in these Policies have the following meanings:

- 1.1. **Declaration** – The Declaration of Covenants, Conditions and Restrictions for Southridge Estates, Denton, Texas recorded on June 29, 1995 under Clerk’s File No. 95-R0038519 of the Official Public Records of Real Property of Denton County, Texas, and as later supplemented or amended
- 1.2. **Dedictory Instrument (or dedicatory instrument)** - Each document governing the establishment, maintenance or operation of the properties within Southridge Estates, as more particularly defined in Section 202.001 of the Texas Property Code.
- 1.3. **Device** – means a Solar Energy Device, as defined in §171.107(a) of the Texas Tax Code - a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.
- 1.4. **Policies** - These Policies for Southridge Estates Homeowners Association, Inc., relating to the use of Solar Energy Devices.
- 1.5. **Modifications Committee** – The Modifications Committee for Southridge Estates Homeowners Association, Inc., as identified in the Declaration.

- 1.6. **Southridge Estates** – A subdivision in Denton County, Texas. The recording data for the Subdivision Development are as follows: Phase 1 in Cabinet K, Pages 398-99 (Document 94-R0092111), Document 95-R0012284 (Correction), and Cabinet N, Page 381 (Document 97-R0067976); Phase 2 in Cabinet M, Pages 97-98 (Document 96-R0028050); and Phase 3 in Cabinet O, Page 268 (Document 98-R0024875) in the Plat Records of Denton County, Texas.

Other capitalized terms used in this Policy have the same meanings as that ascribed to them in the Declaration.

**Section 2. Policy.** Notwithstanding any other provision contained within the Declarations, it is intended that the restrictions therein be interpreted, applied and enforced in full compliance with, and subject to the limitations of, §202.010 of the Texas Property Code, as that statute may hereafter be amended or superseded.

- 2.1 **Modifications Committee Approval.** A Solar Energy Device may be installed with advance approval of the Modifications Committee, subject to these policies. The Modifications Committee may not withhold approval if these Policies are met or exceeded, unless the Modifications Committee determines in writing that placement of the device as proposed constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of such a Device by all Owners of property adjoining the Lot in question constitutes *prima facie* evidence that substantial interference does not exist.
- 2.2 **Location.** A Solar Energy Device must be installed on land or structures owned by the property Owner. No portion of the Device may encroach upon adjacent properties or common areas. Such Devices may only be installed in the following locations:
- A. on the roof of the main residential dwelling;
  - B. on the roof of any other approved structure; or
  - C. within a fenced yard or patio.
- 2.3 **Devices Mounted on a Roof.** For Devices mounted on a roof, the Devices must:
- A. have no portion of the Device higher than the roof section to which it is attached;
  - B. have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached;
  - C. conform to the slope of the roof and be aligned so that the top edge of the Device is parallel to the roof ridgeline for the roof section to which it is attached;

- D. have a frame, brackets, and visible piping or wiring that is a color that matches the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
  - E. be located in a position on the roof which is least visible from any street or common area which does not reduce estimated annual energy production more than ten percent (10%), as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory ([www.nrel.gov](http://www.nrel.gov)) or equivalent entity over alternative roof locations.
- 2.4 **Visibility.** For Devices located in a fenced yard or patio, no portion of the Device may extend above the fence. If the fence is not a solid fence which blocks view of the Device, the Modifications Committee may require that the Device be placed in a location behind a structure or otherwise require visual screening. The Modifications Committee may consider installation of a Device on properties without a fenced yard if there is adequate screening from public view from any street or common area.
- 2.5 **Warranties.** All Devices must be installed in compliance with the manufacturer's instructions and in a manner which does not void material warranties. Licensed craftsmen must be used and permits obtained where required by law.
- 2.6 **Limitations.** Installed Devices may not:
- A. threaten public health or safety;
  - B. violate any law; or
  - C. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property Owner or resident of ordinary sensibilities.
- 2.7 **Maintenance.** All Devices must be maintained in good repair. Unused or inoperable Devices must be removed if they can be seen from any street or common area.

**Section 3. Conflicts.** In the event of a conflict between a provision in the Declaration and a provision in this Policy that is based upon applicable law, the provisions in this Policy shall control.

### **CERTIFICATION**

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Solar Energy Device Policy was approved by a unanimous 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 12<sup>th</sup> day of August, 2016.

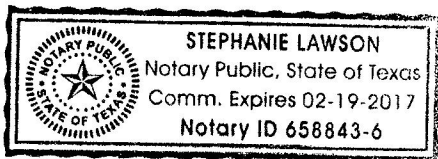
**SOUTHRIDGE ESTATES  
HOMEOWNERS  
ASSOCIATION, INC.**

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 12<sup>th</sup> day of August, 2016, 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 she executed the same for the purpose and in the capacity therein expressed.

Notary Public in and for the State of Texas



Stephanie Lawson

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