

\*VG-342-2016-98610\*

Denton County  
Juli Luke  
County Clerk

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Instrument Number: 98610

Real Property Recordings

MISCELLANEOUS

Recorded On: August 15, 2016 08:44 AM

Number of Pages: 6

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

Total Recording: 46.00

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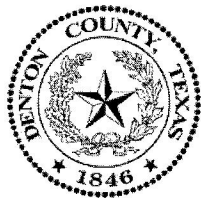
\*\*\*\*\* **THIS PAGE IS PART OF THE INSTRUMENT** \*\*\*\*\*  
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY  
because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 98610  
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.  
STANDBY ELECTRIC GENERATOR 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 Standby Electric Generator 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 Standby Electric Generators.
2. The Board of Directors of the Association desires to adopt a Policy relating to the use of Standby Electric Generators, 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. **Policies** - These Policies for Southridge Estates Homeowners Association, Inc., relating to the use of Standby Electric Generators.
- 1.4. **Modifications Committee** – The Modifications Committee for Southridge Estates Homeowners Association, Inc., as identified in the Declaration.
- 1.5. **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 Declaration, it is intended that the restrictions therein be interpreted, applied and enforced in full compliance with, and subject to the limitations of, §202.019 of the Texas Property Code, as that statute may hereafter be amended or superseded. Standby Electric Generators may be installed with advance approval of the Modifications Committee, subject to these requirements:

2.1 **Definition of Standby Electric Generator.** A device that converts mechanical energy to electrical energy and is:

- A. powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
- B. fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
- C. connected to the main electrical panel of the Living Unit by a manual or automatic transfer switch; and
- D. rated for generating capacity of not less than seven (7) kilowatts.

2.2 **Modifications Committee Approval.** The Declaration requires Homeowners to submit an application for a proposed exterior improvement on the Owner's Lot and obtain the written approval of the application from the Modifications Committee prior to installation or construction. Accordingly, a Standby Electric Generator may not be installed on a Lot unless an application therefor is first submitted to and approved in writing by the Modifications Committee as to compliance with the provisions of this Policy. The submission of plans must include a completed application for Modifications Committee review, a site plan showing the proposed location of the Standby Electric Generator, the type of screening to be used (if required as provided in Section 2.4., below), and a copy of the manufacturer's brochures. The Modifications Committee may not withhold approval of a Standby Electric Generator if the proposed installation meets or exceeds the provisions set forth in Section 2.3., below, and, if visible as provided in Section 2.4., below, the Standby Electric Generator is screened in the manner required by the Modifications Committee.

2.3 **Requirements.** The installation and operation of a permanent Standby Electric Generator on a Lot is permitted, subject to the prior written approval of the Modifications Committee and compliance with the following requirements:

- A. a Standby Electric Generator must be installed and maintained in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes;
- B. all electrical, plumbing, and fuel line connections for a Standby Electric Generator must be installed by a licensed contractor;

- C. all electrical connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
- D. all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
- E. all liquefied petroleum gas fuel line connections for a Standby Electric Generator must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes;
- F. a nonintegral Standby Electric Generator fuel tank must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical and building codes;
- G. a Standby Electric Generator and all electrical lines and fuel lines relating to the Standby Electric Generator must be maintained in good condition;
- H. a deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, must be repaired, replaced or removed;
- I. periodic testing of a Standby Electric Generator must be in accordance with the manufacturer's recommendations, and may occur not more than once a week, on a day other than a Sunday, between the hours of 10:00 a.m. and 4:00 p.m.; and
- J. all Standby Electric Generators must be installed on land owned by the property Owner. No portion of a Standby Electric Generator may encroach on adjacent properties or common areas. A Standby Electric Generator is not permitted on a Lot between the front of the Living Unit on the Lot and an adjacent street. The preferred location of a Standby Electric Generator is:
  - 1. at the side or rear plane of the Living Unit;
  - 2. outside (not within) any easement applicable to the Lot;
  - 3. outside (not within) the side setback lines applicable to the Lot.

However, in the event the preferred location either increases the cost of installing the Standby Electric Generator by more than ten percent (10%); or (ii) increases the cost of installing and connecting the electrical and fuel lines for the Standby Electric Generator by more than twenty percent (20%), the Standby Electric Generator may be located on the Lot in a position that complies as closely as possible with the preferred location without violating either (i) or (ii) herein.

2.4 **Screening.** If a Standby Electric Generator is:

- A. visible from the street in front of the Living Unit on the Lot on which it is located,
- B. located in an unfenced side or rear yard of the Lot and is visible either from an adjoining Lot or from adjoining property owned by the Association, or
- C. located in a side or rear yard of the Lot that contains a fence that is not solid such that the Standby Electric Generator is visible through the fence either from an adjoining Lot or from adjoining property owned by the Association, the Owner is required to screen the Standby Electric Generator by evergreen landscaping or in another reasonable manner, as determined by the Modifications Committee.

2.5 **Non-Payment for Utility Service.** A Standby Electric Generator may not be used to generate all or substantially all of the electrical power to a Living Unit, except when utility-generated electrical power to the Living Unit is not available or is intermittent due to causes other than non-payment for utility service to the Living Unit.

2.6 **Property Owned by the Association.** No Owner may install or place a Standby Electric Generator on property owned or maintained by the Association.

2.7 **Non-Compliance.** The installation of a Standby Electric Generator that is not in compliance with the provisions of this Standby Electric Generator Policy will be considered a violation of the Dedicatory Instruments governing the Subdivision.

**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 Standby Electric Generator 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 12th day of August, 2016.

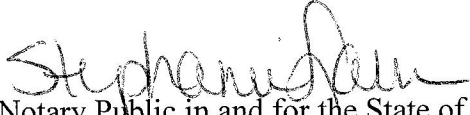
**SOUTHRIDGE ESTATES  
HOMEOWNERS  
ASSOCIATION, INC.**

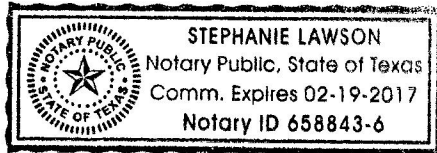
By: Michelle A. Emick

Print Name: Michelle A. Emick  
Secretary

THE STATE OF TEXAS     §  
COUNTY OF DENTON     §

BEFORE ME, the undersigned notary public, on this 18<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



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