

ESTATES OF WELLINGTON RUN COMMUNITY ASSOCIATION, INC.

GUIDELINES FOR SOLAR ENERGY DEVICES

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, the Estates of Wellington Run Community Association, Inc. (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in Declaration of Protective Covenants for the Estates of Wellington Run, filed for record and recorded on January 20, 1995, as Instrument No. 199500130352, Volume 95013, Page 06268 *et seq.* of the Deed Records of Dallas County, Texas (the “Declaration”), as such may be amended and/or supplemented from time to time; and

WHEREAS, Chapter 202 of the Texas Property Code was amended to add Section 202.010 thereto dealing with the regulation of solar energy devices; and

WHEREAS, the Board of Directors (the “Board”) of the Association 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, the Board has duly adopted the following *Guidelines for Solar Energy Devices*.

1. These guidelines apply to solar energy devices (“Devices”) as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means 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.
2. Such Devices may be installed with advance approval of the Association, subject to these guidelines.
3. Any such Devices must be installed on land or structures owned by the property owner. No portion of the Devices may:
 - a. encroach on adjacent properties or common areas;
 - b. be located on property owned or maintained by the property owners’ association; or
 - c. be located on property owned in common by the members of the property owners’ association.
4. Such Devices may only be installed in the following locations:
 - a. on the roof of the main residential dwelling on an owner’s property;

- b. on the roof of any other approved structure; or
 - c. within a fenced yard or patio.
5. For Devices mounted on a roof, the Devices must:
- a. have no portion of the Devices higher than the roof section to which it is attached;
 - b. have no portion of the Devices extend beyond the perimeter boundary of the roof section to which it is attached;
 - c. conform to the slope of the roof;
 - d. be aligned so that the top edge of the Devices is parallel to the roof ridge line for the roof section to which it is attached;
 - e. 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
 - f. 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 publically available modeling tool provided by the National Renewable Energy Laboratory (www.nrel.gov) or equivalent entity over alternative roof locations.
6. For Devices located in a fenced yard or patio, no portion of the Devices may extend above the fence. If the fence is not a solid fence which blocks view of the Devices, the Association may require the Devices be placed in a location behind a structure or otherwise require visual screening. The Association may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.
7. All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
8. 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.
9. 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.

This Policy is effective upon recordation in the Public Records of Dallas County, Texas and supersedes any policy regarding solar energy devices which may have previously been in effect. Except as affected by Section 202.010 and/or by this Policy, all other provisions contained in the Declaration or any other dedicatory instrument of the Association shall remain in full force and effect.

This is to certify that the foregoing Policy was adopted by the Board at a meeting of the same held 8/10/2015, and has not been modified, rescinded or revoked.

**ESTATES OF WELLINGTON RUN
COMMUNITY ASSOCIATION, INC.**

By: Lisa Smith

Lisa Smith
Printed Name

Title: President