

**FLEETWOOD WEST PROPERTY OWNERS ASSOCIATION  
SOLAR ENERGY DEVICES AND ROOFING MATERIALS POLICY**

STATE OF TEXAS           §  
  §  
  §  
COUNTY OF HARRIS

WHEREAS, Fleetwood West Property Owners Association ("the Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the Association's By-Laws, the respective Declaration of Covenants, Conditions & Restrictions encumbering all properties governed by Fleetwood West Property Owners Association, as well as applicable State and Federal laws; and

WHEREAS, Chapters 171.107 and 202.011 of the Texas Property Code were amended to address solar energy devices and roofing materials; and

WHEREAS, the Board of Directors of the Association ("the Board") has determined that in keeping with the new laws, and in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the use of solar energy devices within the community, it is necessary and appropriate for the Association to adopt guidelines regarding the installation and use of solar energy devices and roofing materials on homes in the Association.

NOW, THEREFORE, the Board has duly adopted the following Solar Energy Device and Roofing Materials Policy:

1. A "solar energy device" (as defined in Section 171.107, Texas Tax Code) may be placed on a Member's lot unless:
  - a. The solar energy device, as adjudicated by a court, threatens the public health or safety or violates a law.
  - b. The solar energy device is located in an area on the Member's lot other than:
    - i. on the roof of the home or of another structure allowed under a dedicatory instrument of FWPOA; or
    - ii. in a fenced yard or patio owned and maintained by the Member.
  - c. When the solar energy device is mounted on the roof of the home, it:
    - i. Extends higher than or beyond the roofline;
    - ii. Is located in an area other than an area designated by the Architectural Control Committee, 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 10% above the energy production of the device if located in an area designated by the Architectural Control Committee;

notice

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RP 009-34-1174

Ret:  
KEITH REED  
1008 Fleetwood R Dr  
Houston TX 77079

- RP 089-34-1175
- iii. Does not conform to the slope of the roof and does not have a top edge parallel to the roofline; and
        - iv. Has a frame, support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace.
      - d. When the solar energy device is located in a fenced yard or patio, it is taller than the fence line;
      - e. When installed, the solar energy device voids material warranties; or
      - f. The solar energy device was installed without prior approval by the Architectural Control Committee.
    2. Notwithstanding anything to the contrary, the Architectural Control Committee may withhold approval for installation of a solar energy device even if the provisions of Section 1 are met or exceeded if the Architectural Control Committee determines in writing that placement of the solar energy device as proposed by the Member 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 a determination under this Section 2, the written approval of the proposed placement of the device by all Members of adjoining lots constitutes prima facie evidence that such a condition does not exist.
    3. Pursuant to Texas Property Code §202.011, the installation of the following roofing materials is permitted:
      - a. Wind or hail resistant roofing materials
      - b. Materials that provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
      - c. Materials that provide solar generation capabilities.
      - d. The above enumerated acceptable materials, when installed, must:
        - 1) Resemble the shingles or roofing materials otherwise authorized or currently in use within the immediate area;
        - 2) Be more durable than, and are of equal or superior quality to, the roofing materials authorized for use within the subdivision; and
        - 3) Match the aesthetics of the property surrounding the owner's property.
    4. ACC Approval

Applicant's submission of plans must include a completed application for ACC review, a site plan and/or roof plan showing the proposed location of the improvement, along with pictures or drawings showing the modification along with manufacturer's brochures and/or samples of material, if applicable. The color of materials being used in relations to the roof or house color, visibility from public streets and neighboring properties/common areas and any light reflected are of concern also.

With respect to replacing a current roof with exactly the same materials with respect to roofing is considered to fall under the existing ACC guidelines.

**This Solar Energy Devices and Roofing Materials Policy is applicable to the following described property:** a. Reserve "B" of Fleetwood, Section Four, a subdivision in the Joel Wheaton Survey, Abstract 80, in Harris County, Texas, according to map or plat thereof recorded in Volume 237, page 54, Map records of Harris County, Texas; and Fleetwood West, Section One, a re-plat of part of Reserve "c" of Fleetwood, Section 4, according to map or plat thereof recorded in Volume 266, Page 52, Map records of Harris County, Texas (hereinafter "Section One"); and re-plat of Fleetwood, Section Seven, according to plat recorded in Volume 292, page 122 of the Map Records of Harris County, Texas, previously platted as Reserve "A" of Fleetwood, Section (4) (hereinafter "Section Seven").

*Jed*

CERTIFICATION

"I, the undersigned, being the President of Fleetwood West Property Owners Association, hereby certify that the foregoing Policy was duly adopted at a properly called and held meeting of the Board of Directors on July 18, 2013."

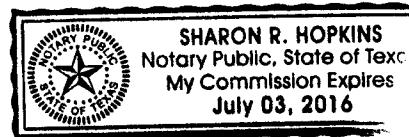
Keith Reed  
President

ACKNOWLEDGEMENT

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

This instrument was acknowledged before me on this 29 th day of October, 2013, by Keith Reed, President of Fleetwood West Property Owners Association, a Texas non-profit corporation, on behalf of said corporation.

*100*

  
Notary Public In and For The State of Texas

RR 039-34-1176

FILED

2013 OCT 30 AM 10:36

*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

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.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

OCT 30 2013



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

HP 009-34-1177