

STATE OF TEXAS

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COUNTY OF WILLIAMSON

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**NOTICE OF DEDICATORY INSTRUMENTS  
OF  
GARDENS AT TERA VISTA OWNERS ASSOCIATION, INC.**

**Document reference.** Reference is hereby made to that certain Supplemental Declaration and Declaration of Condominium Regime for Gardens at Teravista, a Condominium Community, filed as Document No. 2007052711, in the Official Public Records of Williamson County, Texas, (together with all supplements and amendments, the “**Declaration**”).

Reference is further made to those certain By-Laws of Gardens at Teravista Owners Association, Inc., filed in Document No. 2007068037, in the Official Public Records of Williamson County, Texas, (together with all supplements and amendments, the “**Bylaws**”).

Reference is further made to that certain Gardens at Teravista Community Manual, filed in Document No. 2007068037 in the Official Public Records of Williamson County, Texas, (together with all supplements and amendments, the “**Rules**”).

WHEREAS the Declaration provides that owners of units subject to the Declaration are automatically made members of GARDENS AT TERA VISTA OWNERS ASSOCIATION, INC. (the “**Association**”);

WHEREAS the Association, acting through its board of directors (the “**Board**”), is authorized to adopt and amend rules and regulations governing the property subject to the Declaration and the operations of the Association pursuant to Texas Property Code Ch. 82; and

WHEREAS the Board has voted to adopt the rules set forth in Exhibit “A” to supplement the previously-recorded Rules. To the extent of any conflict with previously-recorded rules, the rules on Exhibit “A” control.

**THEREFORE the attached amendment to the Rules has been, and by these presents is, adopted and approved.**

**GARDENS AT TERA VISTA OWNERS ASSOCIATION, INC.**

Acting by and through its Board of Directors; Filed of record in accordance with Texas Property Code Ch. 202 by Niemann & Heyer, LLP, attorneys and authorized agents


  
Patrice Arnold, Attorney

Exhibit “A”: Rules

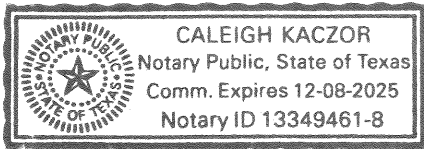
**Acknowledgement**

STATE OF TEXAS

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COUNTY OF Travis

This instrument was acknowledged before me on the 6 day of June,  
2022, by Patrice Arnold in the capacity stated above.



Chaczor  
Notary Public, State of Texas

**After recording, please return to:**

Niemann & Heyer, L.L.P.  
Attorneys at Law  
Westgate Building, Suite 313  
1122 Colorado Street  
Austin, Texas 78701

## EXHIBIT "A"

### RULES OF GARDENS AT TERA VISTA OWNERS ASSOCIATION, INC.

#### TABLE OF CONTENTS

- **Record Production**
- **Record Retention**
- **Pool Enclosure Fencing**
- **Religious Displays**
- **Collections Protocol**

#### RECORD PRODUCTION

1. Request for Records. The Owner or the Owner's authorized representative requesting Association records must submit a written request by certified mail to the mailing address of the Association or authorized representative as reflected on the most current filed management certificate. The request must contain:
  - a. sufficient detail to describe the books and records requested, and
  - b. an election either to inspect the books and records before obtaining copies or to have the Association forward copies of the requested books and records.
2. Timeline for Record Production.
  - a. If inspection requested. If an inspection is requested, the Association will respond within 10 business days by sending written notice by mail, fax, or email of the date(s) and times during normal business hours that the inspection may occur. Any inspection will take place at a mutually agreed on time during normal business hours, and the requesting party must identify any books and records the party desires the Association to copy.
  - b. If copies requested. If copies are requested, the Association will produce the copies within 10 business days of the request.
  - c. Extension of timeline. If the Association is unable to produce the copies within 10 business days of the request, the Association will send written notice to the Owner of this by mail, fax, or email, and state a date, within 15 business days of the date of the Association's notice, that the copies or inspection will be available.
3. Format. The Association may produce documents in hard copy, electronic, or other format of its choosing.
4. Charges. Per state law, the Association may charge for time spent compiling and producing all records and may charge for copy costs if copies are requested. Those charges will be the maximum amount then-allowed by law under the Texas Administrative Code. The Association may require advance payment of actual or estimated costs. As of January 2021, a summary of the maximum permitted charges for common items are:
  - a. Paper copies - 10¢ per page
  - b. CD - \$1 per disc
  - c. DVD - \$3 per disc
  - d. Labor charge for requests of more than 50 pages - \$15 per hour
  - e. Overhead charge for requests of more than 50 pages - 20% of the labor charge
  - f. Labor and overhead may be charged for requests for fewer than 50 pages if the records are kept in a remote location and must be retrieved from it
5. Private Information Exempted from Production. Per state law, the Association has no obligation to provide information of the following types:
  - a. Owner violation history
  - b. Owner personal financial information
  - c. Owner contact information including the owner's address
  - d. Information relating to an Association employee, including personnel files

6. Existing Records Only. The duty to provide documents on request applies only to existing books and records. The Association has no obligation to create a new document, prepare a summary of information, or compile and report data.

### **RECORD RETENTION**

1. Record Retention. The Association will keep the following records for at least the following time periods:
- Contracts with terms of at least one year; 4 years after expiration of contract
  - Account records of current Owners; 5 years
  - Minutes of Owner meetings and Board meetings; 7 years
  - Tax returns and audits; 7 years
  - Financial books and records (other than account records of current Owners); 7 years
  - Governing documents, including Articles of Incorporation/Certificate of Formation, Bylaws, Declaration, Rules, and all amendments; permanently
2. Other Records. Records not listed above may be maintained or discarded in the Association's sole discretion.

### **POOL ENCLOSURE FENCING**

**All alteration and improvements to units landscape areas, and the common elements including limited common elements require prior approval of the association. This rule should not be construed to imply that any owner may construct a pool; it is a rule adopted due to legislation passed in 2021 in Texas related to condominiums.**

"Pool enclosure" means a fence that:

- surrounds an existing approved water feature including a swimming pool or spa;
- consists of transparent mesh or clear panels set in metal frames;
- is not more than 6' tall at any point; and
- is designed not to be climbable.

Subject to this rule, owners may install a pool enclosure around a water feature located solely on property wholly owned by the owner (on the owner's Unit as defined by the Declaration).

All pool enclosures must be black in color absent express approval of alternate color(s) by the architectural reviewing body of the association. The architectural reviewing body may approve an alternate color but has no duty to do so.

All pool enclosures must consist of transparent mesh set in metal frames absent express approval of an alternate construction design by the architectural reviewing body. The architectural reviewing body of the association may approve an alternate construction design but has no duty to do so.

All pool enclosures must be maintained in a neat and attractive condition.

All plans for any pool enclosure must first be submitted to the architectural reviewing body for approval and approved by the architectural reviewing body prior to construction. All architectural requirements of the dedicatory instruments shall also apply, except to the extent expressly in conflict with this rule.

### **RELIGIOUS DISPLAYS**

1. General. The following rule outlines the restrictions applicable to religious displays in order to permit them while also striving to maintain an aesthetically harmonious and peaceful neighborhood for all neighbors to enjoy. Allowed religious displays are limited to displays motivated by the resident's sincere religious belief<sup>1</sup>.

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<sup>1</sup> Religion relates to faithful devotion to a god or gods or the supernatural. Religious displays are different than signs or other figures related to a cause. For example "Save the Whales" or other movements/causes are not considered religious displays.

2. Prohibited Items. No religious item(s) displayed may:
  - a. threaten the public health or safety;
  - b. violate a law<sup>2</sup>;
  - c. contain language, graphics, or any display that is patently offensive to a passerby;
  - d. be installed on property owned or maintained by the association (including common elements) – meaning that religious displays are prohibited in all Areas of Common Responsibility. Areas of Common Responsibility include front yards, fences, gates, painted exterior surfaces, and all yard areas outside of private courtyards and private fenced yards;
  - e. be installed on property owned in common by two or more members of the association;
  - f. be located in violation of any applicable building line, right of way, setback, or easement; or
  - g. be attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.
3. Parameters. Each Unit may display on any exterior door or door frame of the home one religious display that is 25 square inches or smaller. For example, and without limitation, no prior permission is required from the association to place a cross, mezuzah, or other similar religious symbol smaller than 25 square inches on the home's front door or door frame. The board may in its discretion allow seasonal holiday decorations (such as door decorations).
4. Other displays. Non-religious displays are governed by other applicable governing document provisions.

### COLLECTION PROTOCOL

The Board of the Association is charged with overseeing the administration of the Association, including but not limited to the collection of assessments and other charges from the members. Late fees and collection costs may be charged for unpaid amounts. The Association has engaged the services of a professional association management company (including all agents of management company, "Manager") to perform day-to-day administrative tasks on behalf of the Association and may or has engaged a law firm ("Firm") to provide collection services through a licensed attorney. The timely collection of assessments is critical to ensuring that the Association can remain fully-funded and capable of fulfilling its duties to the members, and as such the Board desires that delinquent assessments be collected with a minimum of delay and expense.

The Board hereby authorizes Manager and any successor management companies/management company agents retained by the Association with the authority to communicate with any Firm engaged by the Association with regard to collection activity, and the Board hereby authorizes, once the account is turned over to the Firm, for all successive collection steps to be carried out by the Firm on behalf of the Association should amounts remain unpaid, without further vote or action of the Board. This authority includes without limitation all statutorily-required notices, all title searches, and other steps consistent with Firm's standard collection protocol<sup>3</sup>. This authority notwithstanding, Manager, and any successor management company, shall communicate with the Board and/or certain designated officers on a regular basis with regard to collection actions, and the Board reserves the right to establish policies with regard to collection efforts generally and to make decisions about particular collection actions on a case-by-case basis if and when it deems appropriate. The Board may terminate collection action on any owner account at any time.

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<sup>2</sup> Other than a law prohibiting the display of religious speech. Please note that the First Amendment to the U.S. Constitution is not applicable to private organizations like clubs or community associations; the First Amendment protects certain speech from *governmental* restraints.

<sup>3</sup> This includes without limitation account set up, 30-day demand letter, response to Fair Debt Collection Act dispute letter, lien filing, lien release, payment plan administration, title reports, notice of intent to foreclose (notice of default statutory lien), foreclosure petition filing, and foreclosure sale.

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Niemann & Heyer LLP  
Westgate Building, Suite 313  
1122 Colorado Street  
Austin, TX 78701

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS 2022071131

COND Fee: \$42.00  
06/09/2022 03:56 PM DHUFFMAN



*Nancy E. Rister*

Nancy E. Rister, County Clerk  
Williamson County, Texas