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**RESOLUTION PERTAINING TO
RESIDENTIAL CONSTRUCTION & PROPERTY IMPROVEMENTS
IN THE
WHISPERING HILLS SUBDIVISION**

WHEREAS, the Board of Directors under the terms of the dedicatory instruments governing the Whispering Hills of Comal County Property Owners Association, Inc. ("Association"), is charged with the responsibility of enforcing, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, Liens and charges now or hereinafter imposed by the provisions of the Restrictions governing the community (the "Restrictions"); and

WHEREAS, under the terms of Restrictions governing the Whispering Hills Subdivision, each tract in the 940 acre subdivision, known as Whispering Hills Subdivision in Comal County, Texas ("Subdivision"), being Lots 1 through 543, according to plat recorded in Volume 4, Pages 20-27, Plat Records of Comal County, Texas, subject to certain restrictions, assessments, restrictive covenants, liens, easements and reservations contained in the instrument marked Exhibit "A" (restrictive covenants"), the reference to which is made for all purposes, for the benefit of all persons who shall own property in the Subdivision; lots located within same can only be used for residential purposes; and

WHEREAS, the Bylaws of Whispering Hills, Comal County Property Owners Association establishes an Architecture & Land Review Committee (ALRC) as the authority to act on behalf of the Board on architectural matters as described in the Texas Property Coded chapter 209. The Bylaws requires the committee membership be appointed by the Board of Directors, and

WHEREAS, the restrictive covenant language of Articles 1, 3, 4, 5, 7, 9, 12 and 15 establish that Whispering Hills Property Owners Association, Inc. (Grantor) as the architectural approval authority and sets forth the basic architectural standards and property usage criteria for the primary residence.

BE IT RESOLVED THAT, the Association will clearly define property improvement requirements and specifications in the Whispering Hills subdivision, the Whispering Hills of Comal County Property Owners Association, Inc. by and through the provisions set forth in the dedicatory instruments on file for Whispering Hills of Comal County Property Owners Association, Inc., the Association adopts the following policy resolution setting forth the parameter of acceptable new home construction and property improvements on lots located within the Whispering Hills Subdivision.

BACKGROUND

The developer, Lakecroat Beach Estates, performed architectural control for the Whispering Hills Subdivision from the time of its formation in 1972 until late 1990 when it legally transferred all grantor review and control matters to the Whispering Hills Property Owners Association.

1. INTENT – Property improvements in the Whispering Hills Subdivision must:
 - a. Be compatible and functionally proportional with residential use of the primary residence of the lot;
 - b. Be secondary or supplemental to the use of the home as a single-family residence;
 - c. Be compatible with the primary residence on the current lot;
 - d. Be compatible with nearby neighborhood properties that have existing homes;
 - e. Not detract from the residential character of the Whispering Hills neighborhood.

2. DEFINITIONS – The Architectural and Land Site Guidelines contains the detailed application procedures.
 - a. New Home Construction: The Guidelines, along with the deed restrictions outline and address the specific construction criteria as established via several different articles of The Deed (see Articles 1, 3, 4, 5, 7, 9, 12 and 15)
 - b. Property Improvements are defined in the WHPOA Bylaws, Article 1.8 and they are restated below:

Article 1.8 “Improvement” shall mean every structure and all appurtenances thereto of every type and kind whether temporary or permanent, including, but not limited to, buildings, outbuildings, wells and pump houses, storage sheds, guest quarters, walkways and other paved areas. Tennis courts, large barbecue units, large green houses, barns, swimming pools, garages, fences, large satellite dishes, and other buildings or structures used in conjunction with utilities.”

3. STANDARDS PRIOR TO JULY 1, 2010:
 - a. Residential homes and property improvements that were reviewed and approved by the various Architectural bodies of the WHPOA prior to the enactment of a Comal County Commissioners Court Resolution adopted in mid-2010 the ACC and WHPOA Board considered the primary homes frontage for the 50’ mandatory setback to be from the front of the house that faced the nearest street. This situation affected approximately 40 corner lots in the Whispering Hills subdivision. Homes built and approved prior to July 1, 2010 are grandfathered even though their address and driveway may be on a separate adjoining street.
 - b. A few cases have been discovered where the home owner added property improvements that were not reviewed and approved. These improvements are recognized by the Whispering Hills Board of Directors; they have determined that any improvement added to a property that already has a primary house as of July 1, 2010, then those property improvements will be also be grandfathered.
 - c. For vacant properties without a primary home but has a property improvement, e.g. well, well house, storage shed, fence, and the like; these properties are not grandfathered unless the property owner can produce an approved WHPOA authorization.
4. STANDARDS JULY 2, 2010 TO JULY 11, 2023:
 - a. The Board of Directors formally established and adopted the Architectural Site and Landscape Guidelines. These Guidelines have been undated from time to time. The Guidelines clearly spell out the application process along with the specific requirements of building a new home in the Whispering Hills Subdivision.

- b. The Architectural & Land Review Committee (ALRC) has been established by Article 1.1 of the Amended Bylaws to act on behalf of the Whispering Hills Board of Directors.
- c. Property improvements, while lacking any specific guidelines or criteria has also been controlled by ALRC review and approval.
- d. Any constructions, new homes, and property improvements, that were reviewed and approved by the ACC or the current ALRC will remain approved and are grandfathered from these additional guidelines.

5. STANDARDS JULY 12, 2023 AND HEREAFTER:

- a. **New home construction** shall continue to be reviewed and approved in accordance with The Deed and the Architectural Site and Landscape Guidelines as approved or amended from time to time by the Whispering Hills Board of Directors.
 - i. Exterior coverage of 25% masonry for the entire exterior surface area remains as an absolute requirement. However, it is recommended that 50% or greater of the front of the exterior home be in masonry.
 - ii. Per Article 7 of the Deed restrictions, advance approval of the ALRC is required for the removal of trees for excavation purposes. The ALRC will authorize such tree removal on a case-by-case basis provided that the owner properly and promptly agrees to remove all discarded trees and brush. Excavation will be approved *only in conjunction with an approved new home construction application*.
 - iii. Wells installed in front of the primary residence or visible from any corner lot street must enclose the well with a structure that is fully compatible with the primary residence; i.e. similar paint scheme.
- b. **Property improvements**, as defined by Article 1.8 of the Amended Bylaws, will here forth have to meet the following basic criteria for approval and installation on lots in Whispering Hills.
 - i. Improvements such as well houses, garages, gazebos, carports, outdoor kitchens, and similar types of structures must be constructed on a cement foundation. Identified improvements that are not visible to the front of the property are relieved of this requirement, subject to item **iii** below.
 - ii. Improvements noted above will be constructed in such a manner that they will match the basic exterior of the primary residence if they are in front of or parallel to the primary residence. Improvements that are not visible to the front of the property are relieved of this requirement.
 - iii. Small sheds (no larger than 8' x 10' x 8' high) will not need to be on a concrete slab and they do not have to match the exterior of the primary residence.
 - iv. Workshops and other structures will be within the following size guidelines:
 - 1. The height of these structures shall be limited to 125% of the primary residence, not to exceed 30 feet in height.
 - 2. The square footage of these structures shall be limited to 3,000 square feet.
 - v. All supplemental structures should have reduced exposure to other neighbors; this can be accomplished by the thoughtful installation of trees, shrubs, and plants in addition to matching the color scheme of the primary residence and shall be consistent with paragraph 3 of The Deed restrictions. Property owners and the ALRC will seek to attain a common balance however, The Board shall ultimately be the final arbiter in the event of disagreements.

6. ENFORCEMENT

- a. The Association will take steps to legally enforce including, but not limited to, the commencement of legal actions, if necessary, any reported violations of these Residential & Supplement Improvement rules of the Association which are violated and not promptly corrected by the homeowner.
- b. All other provisions of the Restrictions to which the Homes are subject will continue to be enforced by the Association.
- c. With respect to these provisions, the then current Association Board of Directors shall serve as the final authority in any dispute that arises under these provisions.

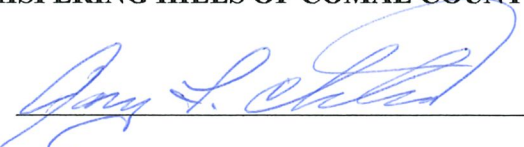
BE IT FURTHER RESOLVED that a copy of this resolution shall be filed in the Real Property Records of Comal County, Texas. This resolution was adopted by the Board of Directors on Tuesday, July 11, 2023 and shall be effective on Wednesday, July 12, 2023.

CERTIFICATE OF OFFICER

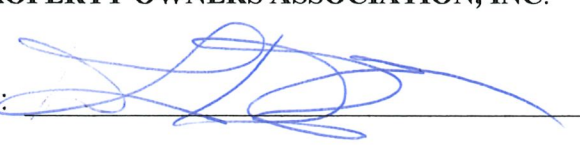
The undersigned certifies that the foregoing Resolution Pertaining to Residential Construction & Supplemental Improvements in the Whispering Hills Subdivision (“Resolution”) was duly approved and adopted by a majority vote of Members of the Whispering Hills of Comal County Property Owners Association, Inc. Board of Directors on the 11 day of July, 2023, at a meeting at which a quorum was present and that the undersigned has been authorized by the Board of Directors to execute and record this instrument. The undersigned further certifies that the foregoing Resolution constitutes a dedicatory instrument under Tex. Prop. Code §202.006 which applies to the operation of Whispering Hills Subdivision, a subdivision located in Comal County, Texas, as hereinabove described, including all annexations thereto.

Signed this 21 day of July, 2023.

WHISPERING HILLS OF COMAL COUNTY PROPERTY OWNERS ASSOCIATION, INC.

By: 

Name: Gary Charlton
Title: WHPOA President

By: 

Name: Dorothy Dietz
Title: POA Secretary

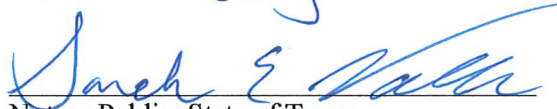
(Reproduced Copy-Original & Renewals on file at Comal County Clerk's Office)

STATE OF TEXAS §
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COUNTY OF COMAL §

This instrument was acknowledged and signed before me on the 21 day of July, 2023, by Gary Charlton and Dorothy Dietz as Authorized agents on behalf of WHISPERING HILLS OF COMAL COUNTY PROPERTY OWNERS ASSOCIATION, INC.

Given under my HAND AND SEAL this 21 day of July, 2023.




Notary Public, State of Texas

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
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