



**AFTER RECORDING RETURN TO:**

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# **BRODIE HEIGHTS CONDOMINIUMS SUPPLEMENT TO COMMUNITY MANUAL**

**Consisting of:**  
**Certificate of Formation**  
**Solar Device Policy**  
**Energy Efficient Roofing Policy**  
**Rainwater Harvesting System Policy**  
**Flag Display and Flagpole Installation Policy**  
**Display of Certain Religious Items Policy**

**Cross Reference to: (i) Brodie Heights Condominiums Community Manual recorded as Document No. 2007122560, Official Public Records of Travis County, Texas; and (ii) Declaration of Condominium Regime for Brodie Heights Condominiums recorded as Document No. 2007122559, Official Public Records of Travis County, Texas, amended.**

**SUPPLEMENT TO COMMUNITY MANUAL  
BRODIE HEIGHTS CONDOMINIUMS**

This Supplement to Community Manual for Brodie Heights Condominiums is made and executed by the **BRODIE HEIGHTS CONDOMINIUM COMMUNITY, INC.**, a Texas non-profit corporation (the "**Association**"), acting by and through its Board of Directors (the "**Board**"), and is as follows:

A. **CONTINENTAL HOMES OF TEXAS, L.P.**, a Texas limited partnership ("**Declarant**") previously executed that certain: (i) Declaration of Condominium Regime for Brodie Heights Condominiums recorded as Document No. 2007122559, Official Public Records of Travis County, Texas, as amended (collectively, the "**Declaration**"); and (ii) Brodie Heights Condominiums Community Manual recorded as Document No. 2007122560, Official Public Records of Travis County, Texas (the "**Community Manual**"). The Declaration establishes Brodie Heights Condominiums, a condominium regime located in Travis County, Texas created pursuant to Chapter 82 of the Texas Property Code (the "**Regime**").

B. Section 11.2 of the Declaration provides that the Association, acting through the Board, is granted the right to adopt, amend, repeal, and enforce the Rules (as defined in the Declaration), and penalties for infractions thereof, regarding the occupancy, use, disposition, maintenance, appearance, and enjoyment of the Property (as defined in the Declaration).

C. The Board now desires to supplement the Community Manual as set forth hereinbelow.

NOW, THEREFORE, the Community Manual is hereby supplemented as follows:

1. **Certificate of Formation.** The Certificate of Formation for the Association attached hereto as Attachment 1 is hereby added to the Community Manual.

2. **Solar Device Policy.** The following Solar Device Policy is hereby added to the Community Manual as follows:

**SOLAR DEVICE POLICY**

No solar device may be installed on any portion of the Common Elements without the advance written approval of the Architectural Reviewer. The Common Elements located in the Regime are owned in undivided interests by all the Members of the Association.

3. **Energy Efficient Roofing Policy.** The following Energy Efficient Roofing Policy is hereby added to the Community Manual as follows:

**ENERGY EFFICIENT ROOFING POLICY**

The roof components of each building located in the Regime are Common Elements and the Owner of a Unit is not authorized to cause to be constructed or replaced any Improvements (including roofing) on Common Elements without the advance written consent of the Architectural Reviewer.

4. **Rainwater Harvesting System Policy.** The following Rainwater Harvesting System Policy is hereby added to the Community Manual as follows:

**RAINWATER HARVESTING SYSTEM POLICY**

No rain barrel may be installed on any portion of the Common Elements without the advance written approval of the Architectural Reviewer. The Common Elements located in the Regime are owned in undivided interests by all the Members of the Association.

5. **Flag Display and Flagpole Installation Policy.** The following Flag Display and Flagpole Installation Policy is hereby added to the Community Manual as follows:

**FLAG DISPLAY AND FLAGPOLE INSTALLATION POLICY**

No flag or flagpole may be installed on any portion of the Common Elements without the advance written approval of the Architectural Reviewer. The Common Elements located in the Regime are owned in undivided interests by all the Members of the Association.

6. **Display of Certain Religious Items Policy.** The following Display of Certain Religious Items Policy is hereby added to the Community Manual as follows:

**DISPLAY OF CERTAIN RELIGIOUS ITEM POLICY**

A. **Display of Certain Religious Items Permitted.** An Owner or resident is permitted to display or affix to the entry door or door frame of the Owner's unit (which may not extend beyond the outer edge of the door frame) one or more religious items, the display of which is motivated by the owner's or resident's sincere religious belief. This Policy outlines the standards which shall apply with respect to the display or affixing of certain religious items on the entry to the entry door or door frame of the Owner's unit.

B. **General Guidelines.** Religious items may be displayed or affixed to the entry door or door frame of the Owner's unit (which may not extend beyond the outer edge of the door frame); provided, however, that individually or in combination with each other, the total size of the display is no greater than twenty-five square inches (5"x5" = 25 square inches).

C. **Prohibitions.** No religious item may be displayed or affixed to the entry door or door frame of the Owner's unit (which may not extend beyond the outer edge of the door frame): (a) threatens the public health or safety; (b) violates a law; or (c) contains language, graphics or any display that is patently offensive to a passerby. No religious item may be displayed or affixed in any location other than the entry door or door frame of the Owner's unit (which may not extend beyond the outer edge of the door frame). Nothing in this Policy may be construed in any manner to authorize an Owner or resident to use a material or color for the entry door or door frame of the Owner's unit or make an alteration to the entry door or door frame that is not otherwise permitted pursuant to the Association's governing documents.

D. **Removal.** The Association shall remove any item which is in violation of the terms and provisions of this Policy.

E. **Covenants in Conflict with Statutes.** To the extent that any provisions of the Association's recorded covenants restrict or prohibit an Owner or resident from displaying or affixing a religious item in violation of the controlling provisions of Section 202.018 of the Texas Property Code, the Association shall have no authority to enforce such provisions and the provisions of this Policy shall hereafter control.

7. **Miscellaneous.** Any capitalized terms used and not otherwise defined in this instrument shall have the meanings set forth in the Declaration and Community Manual.

*[SIGNATURE PAGE FOLLOWS]*

EXECUTED to be effective as of the 1 day of November 2011.

**ASSOCIATION:**

**BRODIE HEIGHTS CONDOMINIUM COMMUNITY, INC.,** a Texas non-profit corporation

By: [Signature]  
John D. Powell, Director

By: [Signature]  
Justin Davis, Director

By: [Signature]  
Tom Moody, Director

Michigan  
THE STATE OF ~~TEXAS~~ §  
COUNTY OF Calhan §

This instrument was acknowledged before me on November 1, 2011, by John D. Powell, Director of the Board of Directors of the Brodie Heights Condominium Community, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

(seal) [Signature]  
Notary Public Signature

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on November 2, 2011, by Justin Davis, Director of the Board of Directors of the Brodie Heights Condominium Community, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

(seal) [Signature]  
Notary Public Signature

THE STATE OF TEXAS §  
COUNTY OF TRAVIS §

This instrument was acknowledged before me on November 2, 2011, by Tom Moody, Director of the Board of Directors of the Brodie Heights Condominium Community, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

(seal) [Signature]  
Notary Public Signature

ATTACHMENT 1

Corporations Section  
P.O.Box 13697  
Austin, Texas 78711-3697



Roger Williams  
Secretary of State

Office of the Secretary of State

CERTIFICATE OF FILING  
OF

Brodie Heights Condominium Community, Inc.  
File Number: 800824066

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Nonprofit Corporation has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 06/01/2007

Effective: 06/01/2007



Handwritten signature of Roger Williams in cursive script.

Roger Williams  
Secretary of State

Phone: (512) 463-5555  
Prepared by: Lisa Jones

Come visit us on the internet at <http://www.sos.state.tx.us/>  
Fax: (512) 463-5709  
TID: 10306

Dial: 7-1-1 for Relay Services  
Document: 172818920002

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**FILED**  
In the Office of the  
Secretary of State of Texas

JUN 01 2007

**CERTIFICATE OF FORMATION**

**OF**

**Corporations Section**

**BRODIE HEIGHTS CONDOMINIUM COMMUNITY, INC.**

The undersigned natural person, being of the age of eighteen (18) years or more, a citizen of the State of Texas, acting as incorporator of a corporation under the Texas Business Organizations Code, does hereby adopt the following Certificate of Formation for such corporation:

**ARTICLE I**

**NAME**

The name of the corporation is: Brodie Heights Condominium Community, Inc. (hereinafter called the "Association").

**ARTICLE II**

**NONPROFIT CORPORATION**

The Association is a nonprofit corporation.

**ARTICLE III**

**DURATION**

The Association shall exist perpetually.

**ARTICLE IV**

**PURPOSE AND POWERS OF THE ASSOCIATION**

The Association is organized in accordance with, and shall operate for nonprofit purposes pursuant to, the Texas Business Organizations Code, and does not contemplate pecuniary gain or profit to its members. The Association is formed for the purpose of exercising all of the powers and privileges, and performing all of the duties, obligations, and purposes of the Association as set forth in that certain "Declaration of Condominium Regime for Brodie Heights Condominiums," which is recorded in the Official Public Records of Travis County, Texas, as the same may be amended from time to time (the "Declaration").

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**ARTICLE V**

**REGISTERED OFFICE; REGISTERED AGENT**

The street address of the initial registered office of the Association is 12335 Hymeadow Drive, Suite 300, Austin, Texas 78750. The name of its initial registered agent at such address is Kathy Frazier.

**ARTICLE VI**

**MEMBERSHIP**

Membership in the Association shall be determined by Section 13.7 of the Declaration.

**ARTICLE VII**

**VOTING RIGHTS**

Voting rights of the members of the Association shall be determined as set forth in Section 5.8 of the Declaration. Notwithstanding the foregoing, cumulative voting is not permitted.

**ARTICLE VIII**

**INCORPORATOR**

The name and street address of the incorporator is:

NAME

ADDRESS

Robert D. Burton

100 Congress Avenue, Suite 1300  
Austin, Texas 78701

**ARTICLE IX**

**BOARD OF DIRECTORS**

The affairs of the Association shall be managed by an initial Board of Directors consisting of three (3) individuals, who must be members of the Association. The Board shall fulfill all of the functions of, and possess all powers granted to, Boards of Directors for nonprofit corporations pursuant to the Texas Business Organizations Code. The number of Directors of the Association may be increased in accordance with the Bylaws of the Association. The names and addresses of the persons who are to act in the capacity of initial Directors until the selection of their successors are:

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NAME

ADDRESS

Danielle Sturm

12554 Riata Vista Circle, Second Floor  
Austin, Texas 78727

Robert Peerman

12554 Riata Vista Circle, Second Floor  
Austin, Texas 78727

John Sparrow

12554 Riata Vista Circle, Second Floor  
Austin, Texas 78727

All of the powers and prerogatives of the Association shall be exercised by the initial Board of Directors named above until the first annual meeting of the Association.

**ARTICLE X**

**LIMITATION OF DIRECTOR LIABILITY**

A director of the Association shall not be personally liable to the Association for monetary damages for any act or omission in his capacity as a director, except to the extent otherwise expressly provided by a statute of the State of Texas. Any repeal or modification of this Article shall be prospective only, and shall not adversely affect any limitation of the personal liability of a director of the Association existing at the time of the repeal or modification.

**ARTICLE XI**

**INDEMNIFICATION**

Each person who acts as a director or officer of the Association shall be indemnified by the Association against any costs, expenses and liabilities which may be imposed upon or reasonably incurred by him in connection with any civil or criminal action, suit or proceeding in which he may be named as a party defendant or in which he may be a witness by reason of his being or having been such director or officer or by reason of any action alleged to have been taken or omitted by him in either such capacity. Such indemnification shall be provided in the manner and under the terms, conditions and limitations set forth in the Bylaws of the Association.

**ARTICLE XII**

**DISSOLUTION**

Upon dissolution of the Association, other than incident to a merger or consolidation, the assets of the Association shall be dedicated to an appropriate public agency to be used for purposes substantially similar to those for which this Association was created. In the event that

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CERTIFICATE OF FORMATION

such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any nonprofit corporation, association, trust, or other organization to be devoted to such substantially similar purposes.

**ARTICLE XIII**

**ACTION WITHOUT MEETING**

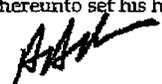
Any action required by law to be taken at any annual or special meeting of the members of the Association, or any action that may be taken at any annual or special meeting of the members of the Association, may be taken without a meeting, without prior notice, and without a vote, if a consent or consents in writing, setting forth the action so taken, shall be signed by the number of members having the total number of votes of the Association necessary to enact the action taken, as determined under the Declaration or this Certificate of Formation.

**ARTICLE XIV**

**AMENDMENT**

This Certificate of Formation may be amended by proposal submitted to the membership of the Association. Any such proposed amendment shall be adopted only upon an affirmative vote by the holders of an eighty percent (80%) majority of the total number of votes of the Association, as determined under the Declaration. In the case of any conflict between the Declaration and this Certificate of Formation, the Declaration shall control; and in the case of any conflict between this Certificate of Formation and the Bylaws of the Association, this Certificate of Formation shall control.

IN WITNESS WHEREOF, the undersigned has hereunto set his hand, this 15<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
Robert D. Burton, Incorporator

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CERTIFICATE OF FORMATION

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FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

  
DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

November 04 2011 11:22 AM

FEE: \$ 52.00 2011162063