

**GUIDELINES RELATING TO DROUGHT-RESISTANT LANDSCAPING AND
WATER-CONSERVING NATURAL TURF**
for
WESTBOURNE HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Deborah L. Linfield, Secretary of Westbourne Homeowners Association, Inc. (the "Association"), do hereby certify that at a joint meeting of the Board of Directors of the Association (the "Board") and the Association's Architectural Control Committee ("ACC") duly called and held on the 24 day of Feb, 2014, with at least a quorum of the Board and ACC being present and remaining throughout, and being duly authorized to transact business, the following "Guidelines Relating to Drought-Resistant Landscaping and Water-Conserving Natural Turf" was duly approved by a majority vote of the members of both the Board and ACC in attendance:

RECITALS:

1. Section 202.007 of the Texas Property Code was amended to include sections relating to drought-resistant landscaping and water-conserving natural turf.
2. The Board of Directors and the Architectural Control Committee of the Association desire to adopt guidelines relating to drought-resistant landscaping and water-conserving natural turf consistent with the applicable provisions in Section 202.007 of the Texas Property Code.

GUIDELINES:

Section 1. Definitions. Capitalized terms used in these Guidelines have the following meanings:

- 1.1. **ACC** - The Architectural Control Committee for Westbourne Homeowners Association, Inc.
- 1.2. **Declaration** – shall mean the following:
 - Declaration of Covenants, Conditions and Restrictions for Westbourne, Section One recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. G071434;
 - Amendment to Declaration of Covenants, Conditions and Restrictions for Westbourne, Section One recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. G238945;
 - Amendment to Declaration of Covenants, Conditions and Restrictions for Westbourne, Section One recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. G463400;
 - Amendment to Declaration of Covenants, Conditions and Restrictions for Westbourne, Section One recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. H952158;

- Correction to Amendment to Declaration of Covenants, Conditions and Restrictions for Westbourne, Section One recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. K372241;
- Ratification of Declaration of Covenants, Conditions and Restrictions for Westbourne, Section One (1) recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. G075968;
- Supplemental Declaration of Annexation to Westbourne, Section One recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. H952157;
- Supplemental Declaration of Annexation of Westbourne, Section Two to Westbourne, Section One recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. J668398;
- Correction Supplemental Declaration of Annexation of Westbourne, Section Two to Westbourne, Section One recorded in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File No. J668398 and re-filed under County Clerk's File No. K158426; and
- Any subsequent amendments and supplements.

1.3. **Dedicatory Instrument** - Each document governing the establishment, maintenance or operation of the properties within Westbourne Homeowners Association, Inc., as more particularly defined in Section 202.001 of the Texas Property Code.

1.4. **Guidelines** - These Guidelines Relating to Drought-Resistant Landscaping and Water-Conserving Natural Turf for Westbourne Homeowners Association, Inc.

1.5. **Westbourne** - shall mean the following:

- Westbourne, Section One, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 287, Page 39 and replatted in Volume 316, Page 49 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Westbourne, Section Two, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 324, Page 61 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

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1.6. **Xeriscape Landscaping** - shall mean drought-resistant landscaping or water-conserving natural turf.

Other capitalized terms used in these Guidelines have the same meanings as that ascribed to them in the Declaration.

Section 2. Xeriscape Landscaping. Section 202.007 of the Texas Property Code provides that a property owners' association may not include or enforce a provision in a Dedicatory Instrument that prohibits or restricts a property owner from using Xeriscape Landscaping, except as otherwise provided therein.

The following Guidelines shall be applicable to Xeriscape Landscaping on Lots in Westbourne:

- 2.1. **ACC Approval.** The installation of Xeriscape Landscaping requires the prior written approval of the ACC.
- 2.2. **Criteria.** A proposed installation of Xeriscape Landscaping shall be reviewed by the ACC to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in Westbourne.
- 2.3. **General Requirements.** As a general rule, full lawns composed of naturally green turf are required in the front yard space and the space along the side of the residential dwelling on a Lot not enclosed by a fence. If a deviation from this general rule is allowed, non-turf areas must be decomposed granite, hardwood mulch, crushed limestone, flagstone, or loose stone material as approved by the ACC. Concrete surfaces are limited to driveways and sidewalks. Non-turf materials may not be used in an area between a sidewalk and an adjacent street as the material is likely to wash out onto the street. The area within a particular Lot that may be non-turf shall be determined by the ACC; the non-turf area may vary from Lot-to-Lot depending upon the size and configuration of the Lot and the objective of preserving maximum aesthetic compatibility with other landscaping in Westbourne.
- 2.4. **Maintenance.** Xeriscape Landscaping is subject to the same requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Plants must be trimmed, beds must be kept weed-free and borders must be edged. Leaves and other debris must be removed on a regular basis so as to maintain a neat and attractive appearance. Perennials which die back during winter must be cut back to remove dead materials during winter. This includes most ornamental grasses and other flowering perennials, which go dormant to the ground in winter.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Guidelines Relating to Drought-Resistant Landscaping and Water-Conserving Natural Turf was approved by a majority vote of both the Board of Directors and the Architectural Control Committee as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

TO CERTIFY which witness my hand this the 25 day of Feb, 2014.

WESTBOURNE HOMEOWNERS ASSOCIATION, INC.


By: Deborah L. Linfield

Printed: Deborah L. Linfield

Its: Secretary

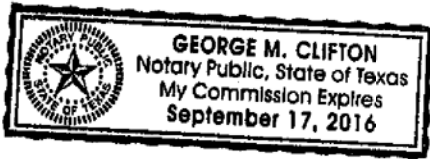
THE STATE OF TEXAS §
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COUNTY OF HARRIS §

BEFORE ME, the undersigned, notary public, on this 25th day of February, 2014 personally appeared Deborah L. Linfield, Secretary of Westbourne Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Notary Public in and for the State of Texas

248415



ER 054 - 43 - 1573

NOTICE
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SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS
for
WESTBOURNE HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
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COUNTY OF HARRIS §

The undersigned, being the Managing Agent for Westbourne Homeowners Association, Inc. ("the Association"), a property owner's association as defined in Section 202.001 of the Texas Property Code, hereby supplements the "Notice of Dedicatory Instruments for Westbourne Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instrument for Westbourne Homeowners Association, Inc.", "Supplemental Notice of Dedicatory Instruments for Westbourne Homeowners Association, Inc." and "Supplemental Notice of Dedicatory Instruments for Westbourne Homeowners Association, Inc." respectively filed of record in the Official Public Records of Real Property of Harris County, Texas under County Clerk's File Nos. V201428, 20060155525, 20110516404 and 20120098049 ("Notice"), which Notice was filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following document is a Dedicatory Instrument governing the Association:

Guidelines Relating to Drought-Resistant Landscaping and Water-Conserving Natural Turf for Westbourne Homeowners Association, Inc.

A true and correct copy of such Dedicatory Instrument is attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Harris County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copy of the Dedicatory Instrument attached to this Notice is a true and correct copy of the original.

Executed on this 25 day of February, 2014.

WESTBOURNE HOMEOWNERS ASSOCIATION, INC.

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By: Wake Property Management, Inc.,
Managing Agent


SueAnne Wake

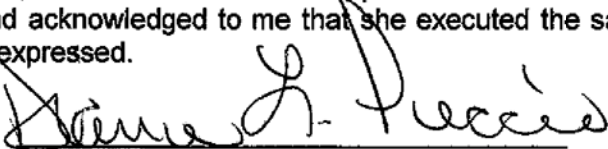
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THE STATE OF TEXAS

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COUNTY OF HARRIS

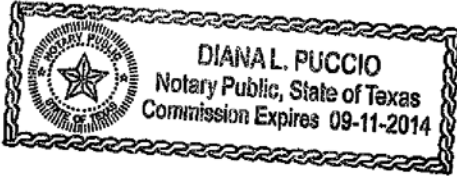
BEFORE ME, the undersigned notary public, on this 25th day of Feb, 2014 personally appeared SueAnne Wake of Wake Property Management, Inc., Managing Agent for Westbourne Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and in the capacity therein expressed.



Notary Public in and for the State of Texas

Return to:
Butler | Hailey
8901 Gaylord Drive, Suite 100
Houston, Texas 77024

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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 36.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS