

Property Owners Association of Falcon Ridge
Architectural Review Committee
Guidelines

Adopted: December 22, 2011

The Architectural Review Committee (“ARC”) was created to enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity and design. The Covenants, Conditions and Restrictions (“CC&RS”) provide that “no buildings or improvements of any character shall be erected or placed, or the erection thereof begun, or changes made in the design thereof after original construction, on any Lot until the construction plans and specifications and a plat plan showing the location of the structure or improvements have been submitted to and approved in writing by the Architectural Control Committee as to the compliance with these restrictions, quality of material, harmony of external design with existing and proposed structures and as to location with respect to topography and finish grade elevation.”

It is the general purpose of the ARC to approve or disapprove applications made to it for proposed alterations, additions or changes to be made to the exterior of the house and/or lot itself.

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Procedure

A “Request for Home Improvement Approval Form” must be completed in its entirety and mailed to the address indicated on the form. All pertinent information such as plans, specifications, building permits, locations of the proposed improvements, as so on, must be indicated on a copy of the survey, etc. and all of these items should be included with the application.

Request for Home Improvement Approval forms are available from members of the Board and at www.FalconRidgeII.com. The ARC cannot respond to verbal requests for approval – all applications must be made in writing.

The ARC has thirty (30) days from the date of receipt of an application in which to response. If the ARC requires additional information, the application process will be extended accordingly. Plans for the implementation of the proposed improvements(s) should allow for the

time required to complete the approval process. No construction should begin prior to the approval. Additionally, should your application be submitted after the fact of construction, the ARC is not required to provide approval, and the unapproved change is deemed to be a violation of the restrictions. You may be required to remove said improvements.

If an application is not approved, the ARC will state in its letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the ARC, the Designated Representative should be contacted in writing.

Each Owner is ultimately responsible for ensuring all improvements conform to the recorded restrictions and guidelines. Failure by the Owner to perform modifications and/or improvements in conformity with the recorded restrictions and guidelines subjects Owner to the risk and expense of removal of each such non-complying improvement.

Introduction

The following are guidelines adopted by the ARC to specify standards, requirements and the process used in evaluating an application. The guidelines may be amended from time to time as the circumstances, conditions or opinions of the ARC determine. It should be noted that each application is considered on its own merit and that the ARC may grant a variance from these guidelines and/or from certain provisions of the CC&Rs to the extent written. The ARC has the right to deviate approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building (differing in height), whereas on a main entry boulevard (and depending on the configuration of the lot), this same item may not be approved due to the visible profile of the location. The intent is to maintain overall integrity within areas which may have higher visual impact.

It should also be noted that ARC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ARC approval, the Board of Directors has the legal right to enforce its removal.

Because guidelines may change from time to time, it is highly recommended that they not be published and distributed to the homeowners. Instead, they should be used by Committee members only for the processing of applications. This reduces the possibility of homeowners

following obsolete guidelines in home improvement. However, the guidelines should be dated and a chronological book be maintained to evidence the process for review over time.

1. **Outbuildings:**

1.1 An “outbuilding” is defined as any structure which is not attached to the main structure. The definition does not include bona-fide additions to the main residences or garages wherein an actual opening to the main structure exists, but does include storage sheds, gazebos, and playhouse/forts.

1.2 **The ARC will consider the following:**

- a. The colors should match/blend with the predominant exterior colors of the main residence.
- b. Materials should match those of the main residence in both size and color; however, the ARC will approve small prefabricated metal storage buildings, providing the color blends with the main residence.
- c. It should have a peaked roof, no higher than eight feet (8’) from the ground to the highest point, and a maximum of 10’ X 12’ floor space. Structure must be placed and maintained a minimum of five feet (5’) off rear property line and distance from side fence will be determined based on visibility from the street in front of the lot. At no time, however, will that distance from side fence be less than five feet (5’), regardless of visibility. Location must also be far enough away from fence to allow for drainage to occur entirely on the owner’s lot.
- d. Storage building placed on a concrete slab on top of a utility easement will require letters of Consent to Encroach, as it will not be considered portable. Electricity, gas, and/or telephone companies may charge a fee for this consent letter. If a storage building is not on the utility easement, but on a slab, and can be moved, the ARC will consider it as portable.
- e. No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six feet (6’) and it is not visible above the fence. It must also comply with all the other requirements for proper constructions, size and location.

- f. If less than six feet (6'), storage structure may be placed in side yard, provided three feet (3') minimum setbacks are observed.
- g. Playhouse/fort must be no high than nine feet (9') maximum. If fort has a platform, then platform can be no higher than 42" above ground and centered in back yard to protect neighbor's privacy. It shall also be placed so as not to be visible from the front street.
- h. Gazebo – Freestanding – Must be at least six feet (6') away from house. Must e reviewed on a case-by-case basis with a maximum height at peak of eleven feet (11') and must be five feet (5') off side and back fence.

2. **Basketball Goals**

- 2.1 The basketball goal backboard, net and post must be maintained in excellent condition at all times.
- 2.2 Goals cannot be attached to permanent structures (e.g. home, garage) on the homeowner's property.
- 2.3 Rims must be ten feet (10') in height.
- 2.4 Must be placed not further than fifteen feet (15') forward (toward street) from garage door, but no closer to the street than the property building line.

3. **Patio Cover**

- 3.1 Should be constructed of materials that complement the main structure.
- 3.2 Prefab covers made of aluminum may be approved providing they are of an earth tone color – unfinished aluminum will not receive ARC approval. All metal must be painted and certain structures using fiberglass roofing and wood frame may be allowed o go unpainted provided treated wood is used.
- 3.3 If attached to house, must be integrated into existing roof line (flush with eaves), and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be painted wooden, treated wood or metal columns. No pipe is allowed.

3.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of house whether treated or untreated wood is used.

3.5 Patio construction materials are as follows:

- a. Painted aluminum (to match trim of house);
- b. Painted wood (to match trim of house);
- c. Natural pressure treated wood such as cedar, fir, redwood may be used. Treated pine must be painted or stained.
- d. Fiberglass is acceptable, and earth tone colors such as tan, brown, beige, clear may be used. No green or yellow is allowed. Edges of fiberglass must not be visible from surrounding properties or from any street.

General Note: All patio cover material, i.e., fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of materials are visible.

- e. If canvas is used as roofing material on a patio cover, it must be an earth tone color and the structure must be located where it is not visible from the street. Also, the canvas must be kept in quality condition or its removal will be requested.

3.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.

3.7 Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover location is less than five feet (5') away from side lot line (and the cover is to be solid), the ARC will require that it be guttered with downspouts.

4. Room Additions

4.1 Exterior materials and colors should match the house as much as possible.

4.2 Detailed plans must be submitted to the ARC.

4.3 Room additions may not encroach into any utility easement unless the utility companies involved have provided written consent to such encroachment.

- 4.4 Approvals shall be on an individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Addition of a storage area will not qualify as a bona-fide room addition and will not be permitted. Plans for room addition must show a room of reasonable size to constitute a legitimate request for a room addition. Roof of addition must integrate with existing roofline so as to appear to have been part of the original home. The addition must be opened to the main structure and be serviced by central heating, air conditioning and electrical. All such improvements must be designed to building code standards. Room additions may be denied for other reasons, i.e., structural integrity, architectural suitability, etc.
- 4.5 Building permits as required by the applicable municipality (city, county, etc.) must be submitted with the "Request for Home Improvement Approval" form. In some instances, the ARC will grant approval with the provision that a copy of the permit must be received by the ARC within thirty (30) days of the approval letter.

5. **Exterior Painting**

- 5.1 Earth tone colors are most often used when homes are constructed. In general, an earth tone color should receive ARC approval.
- 5.2 Other earth tone blend colors will be considered. The color of neighboring homes will taken into consideration, along with the applicant's house brick features.
- 5.3 Brick is not permitted to be painted due to the long-term maintenance, and based on predominant contemporary style of homes within the subdivision.

6. **Storm Windows and Storm/Screen Doors**

- 6.1 Providing the frames of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should receive ARC approval.

7. **Decks**

- 7.1 Decks may not encroach into any utility easement unless the utility companies involved have Granted their written consent to such encroachment.
- 7.2 Decks should not be situated on the lot so that they may pose a problem to the effective Drainage of the lot or neighboring lot.
- 7.3 Decks cannot be higher than 48" above grade.
- 7.4 Paint or stain should match or compliment the house.
- 7.5 Second story decks will receive ARC approval on a case-by-case basis.

8. **Swimming Pools and Spas**

- 8.1 No pool or spa of any type may encroach into any utility easement unless the utility Companies involved have granted their written consent to such encroachment. Pool Decking which extends into an easement also requires a consent agreement. Consents must be received prior to approval. Note: Utility companies may charge a fee for this consent letter.
- 8.2 Ideally, any pool or spa should be located at least five feet (5') from a side and rear lot line to maintain proper drainage on lot. However, a minimum of three feet (3') will be allowed in certain instances.
- 8.3 Above ground pools will not be permitted.
- 8.4 Only those pools completely enclosed within a fenced area may be approved.
- 8.5 Pool pumps and other equipment must be screened within the fenced perimeter and not visible from the fronting street.
- 8.5 Pool enclosures will be reviewed on an individual basis and height should not exceed eight Feet (8').

9. **Satellite Dishes**

- 9.1 Maximum diameter of thirty inches (30"). Must be installed in a manner not be to visible from front and/or side street.
- 9.2 Satellite dish must be securely mounted to a base, so as to be able to withstand the effects of high winds or other extraordinary weather conditions.

9.3 No advertising slogans, logos, banners, signs or any other printing or illustrations whatsoever shall ever be permitted upon or be attached to any satellite dish.

9.4 No satellite dish shall ever be constructed or placed or permitted to remain on any utility easement or other easement or right-of-way located on any lot or common property.

10. **Antennas**

10.1 Must be installed within the attic or be attached to, but not exceed ten feet (10') above, the rear eave of the dwelling.

10.2 No antenna shall be visible from any fronting street or side street.

11. **Fences and Fence Extensions**

11.1 On an individual basis.

11.2 No side or rear fence shall be higher than eight feet (8') in height. Fence extension requests must be submitted jointly by both Owners sharing the side lot line and fence, except in the case of a corner lot.

11.3 No chain link type of fence is permitted.

11.4 No fence may extend so as to encroach in front of a building line.

11.5 If both neighbors do not concur as to a proposed fence extension, the ARC will examine the effect the fence extension will have on both properties. If one party will suffer detrimentally from the extension (i.e., will totally enclose a bay window), the ARC has the right to reject the application.

11.6 Replacement or repairs of fence must be made with similar materials and construction details as used in original fence.

11.7 Fencing shall be uniform throughout the development. Wrought iron may be used in areas of decorative use in sections across driveways or where used across a building line so long as there are no items (storage or otherwise) visible from a fronting street.

11.8 Fences will be installed picket side out to the street.

11.9 No split rail fences or decorative fencing is permitted.

12. **Decorations, Flags and Religious Items**

- 12.1 There shall be no permanent decorative appurtenances (such as sculptures, birdbaths, birdhouses, fountains, or other decorative embellishments) placed on the front lawn of any lot, nor on any portion of a lot visible from any street.
- 12.2 Benches, burglar bars and gates will be reviewed on an individual basis.
- 12.3 House numbers may be placed on house or mailbox, but not on any type of free-standing structure in front yard.
- 12.4 Christmas decorations, including lighting, may not be placed on the house or in the front yard prior to Thanksgiving Day, and must be removed no later than January 31. All other seasonal decorations shall be limited to a maximum thirty (30) day period.
- 12.5 **Flags.** A flag staff may be mounted on the house, garage, tree or other improvement structure so long as the length of the staff does not exceed six (6) feet and the top-most part of the staff does not extend to a point higher than the highest point of the specific structure (tree, house, garage, etc.) on which it is mounted. The following flags are permitted to be displayed: the flag of the United States of America; the flag of the State of Texas; or an official or replica flag or any branch of the United States armed forces, holiday/seasonal decorative flags and school flags. No flag pole of any kind may be kept, placed or mounted to any fence. One flag mounted on a pole not to exceed five feet (5') in length may be inserted into a bracket mounted to the side of a house. Flags shall be of the size and style intended for common residential use. Freestanding flagpoles shall not exceed 20 feet in height, and only one such flagpole shall be located on any Lot. Freestanding flagpoles shall be located not more than 10 feet from the front building line of the home, and not less than 20 feet from side property lines. A flagpole attached to a dwelling or a freestanding flagpole shall be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling; the display of a flag, and the location and construction of the supporting flagpole shall comply with all applicable zoning ordinances, easements, and setbacks of record; all flags and flagpoles shall be maintained in good condition at all times and all

deteriorated flags and structurally unsafe flagpoles shall be promptly repaired, replaced or removed by the owner; Any flag flown must be well maintained at all times, and flown in accordance with all applicable state and federal laws, guidelines and practices. Lighting utilized to illuminate a flag shall be subject to the limitations mentioned within Section 14, above, in that such light(s) shall be of a wattage or lumen count which will not affect neighboring homes, shall be aimed so as not to shine onto any neighboring property, and shall be attached to the house or placed on the ground, as opposed to being placed on any pole. Such lights must be clear or white light and shall not affect overall aesthetic appeal. No color bulbs or lenses are allowed. All halyards, ropes, cables and other accessories shall be fastened and otherwise restricted in movement so as to eliminate noise caused by wind and movement.

- 12.6 Religious Items. Nothing herein shall be interpreted as prohibiting an owner from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief, so long as such item does not: threaten public health or safety; violate a law; contain language, graphics, or any display that is patently offensive to a passerby; extend past the outer edge of the door frame of the dwelling; or, exceed a total size of greater than 25 square inches. No owner or resident shall use a material or color for an entry door or door frame of any dwelling or make an alteration to the entry door or door frame that is not authorized by the restrictive covenants governing the dwelling. The Association may remove an item displayed in violation of these provisions and/or in violation of any restrictive covenant applicable to the property.

13. **Exterior Lighting**

- 13.1 Additional exterior lighting shall be of a wattage or lumen count which will not adversely affect neighboring homes.
- 13.2 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 13.3 Low voltage landscape lighting should receive ARC approval.

- 13.4 Security, mercury vapor, or fluorescent lights may be attached to the front of the house, garage or rear of dwelling provided it in no way creates a nuisance for other surrounding Owners. Mercury vapor, fluorescent, and sodium halite may be permitted as long as it in no way shines onto adjacent property.
- 13.5 Yard lights may be gas or electric, incorporate a single lamp only and maximum height of six feet (6'), and may be located in front or back. Gas or electric lights must be black or brown, depending on color of house and color shall be approved by ARC.

14. **Mailboxes**

- 14.1 Changes or improvements made to the property site mailboxes will require ARC approval.
- 14.2 All mail boxes shall be constructed of brick, and shall be well maintained.
- 14.3 Bricked mailbox stands should receive approval providing the brick matches the house, the stand is appropriate in size and design, and will meet U.S. Post Office requirements. A specific sketch should be included with the application.

15. **Wind Turbines, Alternative Shingles and Solar Energy Devices**

- 15.1 Wind turbines preferably should either be a color which will blend with the shingle color Instead of unfinished aluminum, or be painted to match the shingle color, and positioned on the rear slope of the roof structure so as not to be visible from fronting street.
- 15.2 Nothing herein shall be interpreted as prohibiting or restricting the installation of roof shingles that are designed primarily to: (A) be wind and hail resistant; (B) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (C) provide solar generation capabilities; and when installed: (a) resemble the shingles used or otherwise authorized for use on property in the subdivision; (b) are more durable than and are of equal or superior quality to the shingles described by above; and (c) match the aesthetics of the property surrounding the owner's property.

- 15.3 Nothing herein shall be interpreted as prohibiting or restricting a property owner from installing a solar energy device, so long as such device is: located on the roof of the owner's home or of another structure allowed under a dedicatory instrument, and extends no higher than or beyond the roofline; located in a fenced yard or patio owned and maintained by the owner, and is no taller than the fence line; conforms to the slope of the roof and has a top edge that is parallel to the roofline; is equipped with a frame, support bracket, visible piping or wiring, all of which is either silver, bronze, or black tone color commonly available in the marketplace; or which is located in another area designated for placement of such items by the Association; is pre-approved by the architectural review committee; does not substantially interfere with the use and enjoyment of land owned or occupied by persons other than the owner by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities – the written approval of the proposed placement of the device by all property owners or adjoining properties shall constitute prima facie evidence that such a condition does not exist.
16. **Outdoor Carpeting**
- 16.1 Can only be installed on porch area – no walkways, etc.
- 16.2 Earth tone colors acceptable.
- 16.3 Specifically no green or blue carpet.
- 16.4 Visibility from street will be considered.
17. **Burglar Bars**
- 17.1 Acceptable provided they are in harmony with house.
- 17.2 Painted to match exterior trim.
18. **Birdhouse**
- 18.1 Maximum preferred height is twelve feet (12').
- 18.2 Mounted on 1-1/2" diameter metal pipe painted white or black, or 4 x 4 treated wood.

18.3 Must be placed toward the middle of back yard and not visible from the fronting street and/or side street.

19 **Landscaping**

19.1 Timbers, bricks, stone (use native Texas stone), flower bed borders, landscape lights, trellises and sprinklers may be approved subject to ARC review.

19.2 Must compliment style and architecture of home and conform to color scheme of immediate neighborhood.

19.3 Landscaping may not be attached to the fence of any adjacent property.

19.4 Landscaping may not be installed in such a manner as to change the topography or drainage of the lot which may cause water to spread across any other lot.

19.5 No hedge, wall or fence in excess of three feet (3') in height shall be placed nearer to the front lot line than the walls of the dwelling existing on the Lot.

19.6 No items may be attached to landscape or trees which are visible from fronting street and/or side street.

20. **Swing Sets and Individual Swings**

20.1 Maximum height of eight feet (8').

20.2 Location will be considered for neighbors' privacy.

20.3 May not be visible from fronting street and/or side street.

21. **Driveway Extensions/Sidewalks**

21.1 Reviewed on an individual basis.

21.2 No closer than three (3') to property line and must be parallel to curb. Driveway extensions can extend no nearer to side property line than three feet (3') and five feet (5') in certain instances, unless otherwise approved.

21.3 All sidewalks in the side yard must be no greater than 48" wide.

22. **Garage Conversions, Carports, Detached Garages**

22.1 Conversions to living area are not permitted and all garages must be capable of housing a minimum of two (2) cars at all times. All garage doors shall be operational.

22.2 Detached garages/carports are permitted on a very limited basis, subject to ARC approval, and can only be used to store additional vehicles.

22.3 Driveways can never be removed from front yard, even if alternate garage is built.

23. **Window Air Conditioners**

23.1 Must not be visible from street.

24. **Window Shades/Awnings/Shutters and Rain Harvesting Systems**

24.1 Canvas awnings will not be permitted to be installed on windows to reduce solar exposure, unless they are on the back side of house on an interior lot and not visible at all from the street. On a corner lot or lot that backs onto a street, canvas awnings will not be permitted at all. When allowed, they must be earth tone colors, and must be kept in excellent condition at all times or will be subject to immediate removal upon notification.

24.2 Awnings will still be allowed for use on playhouses and patio covers, provided they also comply with aforementioned requirements for proper location, color, and maintenance.

24.3 Metal and wooden slat-type shades may be allowed by the ARC if they are deemed necessary in reduction of solar exposure and installation on appropriate windows will be determined by the ARC. At no time, however, will they be allowed on windows on the fronts of the homes.

24.5 All gutter trim and accent colors are to be in harmony with the primary color of the house. The color of the gutters must blend into the trim of the house. Rain gutters shall be properly maintained and sagging or falling gutters are not allowed. Down spouts must be firmly attached to the home. The ACC reserves the right and discretion to determine whether any gutter or related item is properly maintained. Nothing herein shall be interpreted as prohibiting or restricting a property owner from installing a rain barrel or rainwater harvesting system on such owner's property: so long as there is a reasonably sufficient area on the owner's property for installation of such device; such device is of a color which is consistent with the color scheme of the owner's home; such device is properly

installed and shielded from public view to the greatest reasonable extent possible; and, such device is installed behind the front building line of the owner's property, as such building lines are indicated upon the subdivision plat and/or as specified within the recorded restrictive covenants applicable to the subdivision.

THE ATTACHED GUIDELINES HAVE BEEN ACCEPTED AND APPROVED BY THE FALCON RIDGE II PROPERTY OWNERS ASSOCIATION BOARD OF DIRECTORS FOR IMPLEMENTATION AND ENFORCEMENT THIS 22 DAY OF December 2011.

Linda Coltharp

Linda Coltharp, President

_____, Vice President

_____, Treasurer

_____, Secretary

_____, Director

AFFIDAVIT REGARDING AUTHENTICITY OF DOCUMENTS

STATE OF TEXAS }
 }
COUNTY OF CALLISTON }

KNOW ALL MEN BY THESE PRESENTS:

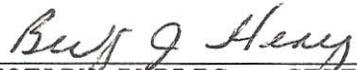
THAT the foregoing and attached documents are original documents which were adopted in connection with the operation and administration of the properties mentioned therein, the property owner's association mentioned therein, and all of the properties governed thereby. Such documents constitute a supplement to the Association's "dedicatory instruments," as such term is defined within Section 202.001(1) of the Texas Property Code. The foregoing and attached documents are hereby filed/recorded in compliance with the mandate of Section 202.006 of the Texas Property Code.

All facts recited and statements made herein are true, correct and in all respects accurate."



Michael J. Treece, Attorney
for Association

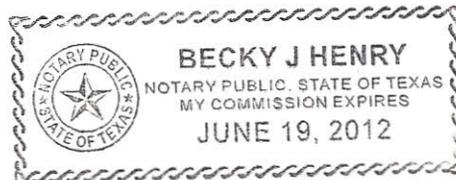
SUBSCRIBED AND SWORN TO BEFORE ME on this the 23rd day of December, 2011.



NOTARY PUBLIC - STATE OF TEXAS

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Please Return to:

Treece Law Firm
1020 Bay Area Blvd.
Suite 200
Houston, Texas 77058



FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Dwight D. Sullivan 2011065075

December 27, 2011 03:39:18 PM

FEE: \$144.00

Dwight D. Sullivan, County Clerk

Galveston County, TEXAS