

NOTICE  
A

**CERTIFICATE OF ADOPTION  
OF  
ADJACENT LOT USE GUIDELINES  
OF  
WINDSTONE COLONY COMMUNITY ASSOCIATION, INC.**

STATE OF TEXAS                    §  
  §            KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF HARRIS               §

**WHEREAS**, the Board of Directors (the "Board") of Windstone Colony Community Association, Inc., a Texas non-profit corporation (the "Association") is charged with administering and enforcing those certain covenants, conditions, and restrictions encumbering the Windstone Colony community (the "Community"); and

**WHEREAS**, Chapter 209 of the Texas Property Code was amended effective June 14, 2013, to add Section 209.015 ("Section 209.015") thereto; and

**WHEREAS**, Section 209.015(a)(1) of the Texas Property Code defines "adjacent lot" (herein called "Adjacent Lot") to mean: (i) a lot that is contiguous to another lot that fronts on the same street; (ii) with respect to a corner lot, a lot that is contiguous to the corner lot by either a side property line or back property line; or (iii) if permitted by the dedicatory instruments of the property owners' association, any lot that is contiguous to another lot at the back property line; and

**WHEREAS**, Section 209.015(a)(2) of the Texas Property Code defines "residential purpose" (herein called "Residential Purpose" or "Residential Purposes") with respect to the use of a lot: (i) means the location on the lot of any building, structure, or other improvement customarily appurtenant to a residence, as opposed to use for a business or commercial purpose; and (ii) includes the location on the lot of a garage, sidewalk, driveway, parking area, children's swing or playscape, fence, septic system, swimming pool, utility line, or water well and, if otherwise specifically permitted by the dedicatory instruments of the property owners' association, the parking or storage of a recreational vehicle; and

**WHEREAS**, the Board has determined that in connection with the adoption of guidelines on the use of an Adjacent Lot for Residential Purposes in the Community, it is appropriate for the Association to adopt the guidelines set forth in Section 209.015 and described herein below (the "Adjacent Lot Use Guidelines"); and

**WHEREAS**, the Bylaws of the Association provide that a majority of the members of the Board shall constitute a quorum for the transaction of business and that the action of a majority of the members of the Board at a meeting at which a quorum is present is the action of the Board; and

**WHEREAS**, the Board held a meeting on Sept 23, 2013 (the "Adoption Meeting"), at which at least a majority of the members of the Board were present and duly passed the Adjacent Lot Use Guidelines.

**NOW, THEREFORE**, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the members of the Board were present and the Board duly adopted the Adjacent Lot Use Guidelines. The Adjacent Lot Use Guidelines are effective upon recordation of this Certificate in the Official Public Records, and supplement any restrictive covenants, guidelines or policies regarding the Residential Use of Adjacent Lots described in the Adjacent Lot Use Guidelines which may have previously been in effect for the

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Community, unless such restrictive covenants, guidelines or policies are in conflict with the Adjacent Lot Use Guidelines, in which case the terms in the Adjacent Lot Use Guidelines will control. The Adjacent Lot Use Guidelines are as follows:

- a. An owner must obtain the approval of the Association or, if applicable, an architectural committee established by the Association or the Association's dedicatory instruments, based on criteria prescribed by the dedicatory instruments of the Association specific to the use of a lot for Residential Purposes, including reasonable restrictions regarding size, location, shielding, and aesthetics of the Residential Purposes, before the owner begins the construction, placement or erection of a building, structure or other improvement for the Residential Purpose on an Adjacent Lot.
- b. An owner who elects to use an Adjacent Lot for Residential Purposes shall, on the sale or transfer of the lot containing the residence:
  - 1) Include the Adjacent Lot in the sales agreement and transfer the Adjacent Lot to the new owner under the same dedicatory conditions; or
  - 2) Restore the Adjacent Lot to the original condition before the addition of the improvements allowed under these Adjacent Lot Use Guidelines to the extent that Adjacent Lot would again be suitable for the construction of a separate residence as originally platted and provided for in the conveyance to the owner.
- c. An owner may sell the Adjacent Lot separately only for the purpose of the construction of a new residence that complies with existing requirements in the Association's dedicatory instruments unless the Adjacent Lot has been restored as described by Subsection (b)(2) above.

EXECUTED on the date of the acknowledgment set forth herein below, to be effective as set forth above.

Windstone Colony Community Association, Inc., 10R  
a Texas non-profit corporation 1EE

By: John R. Deboben  
John Deboben, President

THE STATE OF TEXAS §  
  §  
COUNTY OF HARRIS §

This instrument was acknowledged before me on September 26, 2013, by John Deboben, President of Windstone Colony Community Association, Inc., a Texas non-profit corporation, on behalf of said corporation.



Dawn Haywood  
Notary Public, State of Texas

**WHEN RECORDED, RETURN TO:**

Hoover Slovacek LLP  
5847 San Felipe, Suite 2200  
Houston, Texas 77057  
File No. 122216-358 (839177)

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Official Public Records of  
HARRIS COUNTY  
STAN STANART  
COUNTY CLERK  
Fees 24.00

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