

AFFIDAVIT IN COMPLIANCE WITH TEX. PROP. CODE § 202.006

THE STATE OF TEXAS §
§
COUNTY OF KENDALL AND COMAL §

BEFORE ME, the undersigned authority, on this day personally appeared DOUG CADWELL, who, being by me duly sworn according to law, stated the following under oath:

“My name is DOUG CADWELL. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

North Barcroft Estates Property Owners Association (the “Association”) is self-managed by its Board of Directors. The Association is the custodian of the records for the Association, and I as President of the Association, have been authorized by the Association’s Board of Directors to sign this Affidavit.

The Association is a property owners’ association as that term is defined in *Section 202.001 of the Texas Property Code*. The Association’s jurisdiction includes, but may not be limited to, the property in Comal, County, Texas and described as:

That certain subdivision known as North Barcroft Estates, being the property identified and referenced in the Restrictive Covenants included in conveyances that run with title for all lots comprising North Barcroft Estates created by Plats establishing Unit 1, filed of record in Kendall and Comal County, Texas, and Units 2 and Unit 3, filed of record in the Official Public Records of Kendall County, Texas (“Restrictions”).

Attached hereto is the original of, or true and correct copy of, the following dedicatory instrument(s), including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:

*North Barcroft Estates Property Owners Association
Resolution Adopting Solar Energy Devices Policy*

The documents attached hereto is subject to being supplemented, amended or changed by the Association. Any questions regarding the dedicatory instruments of the Association may be directed to the Association at:

North Barcroft Estates Property Owners Association
P.O. Box 4151
Bergheim, Texas 78004-4151
Northbarcroft@yahoo.com

SIGNED on this the 1st day of April, 2023.

NORTH BARCROFT ESTATES PROPERTY OWNERS ASSOCIATION

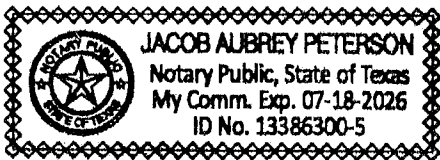
By: [Signature]
DOUG CADWELL, President

VERIFICATION

THE STATE OF TEXAS §
 §
COUNTY OF Kendall §

BEFORE ME, the undersigned authority, on this day personally appeared DOUG CADWELL, President of the NORTH BARCROFT ESTATES PROPERTY OWNERS ASSOCIATION, who, after being duly sworn, acknowledged and stated under oath that he has read the above and foregoing Affidavit and that every factual statement contained therein is within his personal knowledge and is true and correct.

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 1st day of April, 2023.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

After Recording, Return To:
Michael B. Thurman
Thurman & Phillips, P.C.
4093 De Zavala Road
Shavano Park, Texas 78249
Phone: 210-341-2020

NORTH BARCROFT ESTATES PROPERTY OWNERS ASSOCIATION
RESOLUTION ADOPTING SOLAR ENERGY DEVICES POLICY

WHEREAS, the Board of Directors of North Barcroft Estates Property Owners Association (“Association”) is the established governing body for the management of the Association and the property known as North Barcroft Estates Subdivision (“North Barcroft Estates”), in Kendall and Comal County, Texas, subject to the Restrictive Covenants included in conveyances that run with title for all lots comprising North Barcroft Estates created by Plats establishing Unit 1, filed of record in Kendall and Comal County, Texas, and Units 2 and Unit 3, filed of record in the Official Public Records of Kendall County, Texas (“Restrictions”), the Bylaws of the Association and all policies, rules and regulations duly adopted by the Association from time to time (collectively, “Governing Documents”); and

WHEREAS, in accordance with the duties and responsibilities imposed by the Declaration, the Bylaws and all policies, rules and regulations duly adopted by the Association (collectively, “Governing Documents”), the Board of Directors of the Association is charged with the duty of making, establishing and promulgating, in its discretion, policies, rules and regulations for the interpretation and enforcement of the Governing Documents for the use and enjoyment of properties in North Barcroft Estates, including but not limited to, the common areas owned by the Association; and

WHEREAS, it has been determined by the Board of Directors that it is necessary to revise or adopt the policy attached hereto as Exhibit “A”.

THEREFORE, BE IT RESOLVED:

The Solar Energy Devices Policy, in the form attached hereto as Exhibit “A”, by a unanimous vote of the Board of Directors, was approved as to form and content and adopted for use by the Association.

This Resolution Adopting Solar Energy Devices Policy is adopted this 1 day of April, 2023, by the Board of Directors of the Association and shall be effective when filed for record in the Official Public Records of Kendall and Comal County, Texas.

NORTH BARCROFT ESTATES PROPERTY OWNERS ASSOCIATION

By:



Name: Doug Caldwell

Title: President

Member of the Board of Directors

NORTH BARCROFT PROPERTY OWNERS ASSOCIATION, INC.

SOLAR ENERGY DEVICES POLICY

This Solar Energy Devices Policy ("Solar Energy Devices Policy") of North Barcroft Property Owners Association, Inc. (the "Association") was duly adopted by the association on the 1 day of April, 2023 in connection with the management of the Association and the property known as North Barcroft Estates ("North Barcroft Estates"), in Kendall and Comal County, Texas, subject to the Restrictive Covenants included in conveyances and run with title for all lots comprising North Barcroft Estates created by Plats establishing Unit 1, filed of record in Kendall and Comal County, Texas, and Units 2 and Unit 3, filed of record in the Official Public Records of Kendall County, Texas ("Restrictions"), the Bylaws of the Association and all policies, rules and regulations duly adopted by the Association from time to time (collectively, "Governing Documents").

This Solar Energy Devices Policy is adopted under the requirements of TEX. PROP. CODE § 202.010 for the adoption of a policy that sets forth the limitations and requirements for the installation and maintenance of Solar Energy Devices and for the regulation of use of Solar Energy Devices by an Owner on the Owner's Lot located within the boundaries of North Barcroft Estates.

The adoption of this Solar Energy Devices Policy for the purposes stated herein is in compliance with the TEX. PROP. CODE § 202.006, requiring all property owners' associations to file all Governing Documents in the real property records of each county in which the Property to which the Governing Documents relate is located. This Solar Energy Devices Policy shall become effective as of the date the Solar Energy Devices Policy is filed in the Official Public Records of Kendall County and Comal County, Texas.

The Policy for use of Solar Energy Devices is as follows.

1. Definitions. For the purposes herein:

A. "Solar Energy Device" means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

B. "Development Period" means a period stated in the Restrictions during which a Declarant reserves:

- (i) A right to facilitate the development, construction, and marketing of the subdivision; and
- (ii) A right to direct the size, shape and composition of the subdivision.

2. Approved Locations. Subject to the following requirements, an Owner or resident shall be allowed to place on Owner's or resident's Property Solar Energy Devices:

- A. on the roof of a main residential dwelling,
- B. on the roof of another structure allowed under a Governing Document applicable to the Property;

- C. on the roof of any other structure that has been approved by the Association Architectural Review Committee (“ARC”);
- D. within a fenced yard or patio of a residential Property; or
- E. any other location approved by the ARC, in its sole discretion.
- F. All other locations are prohibited.

If the Solar Energy Devices are mounted on a roof, the Solar Energy Devices shall:

- A. have no portion of the Solar Energy Device higher than the roof section to which it is attached;
- B. have no portion of the Solar Energy Device extend beyond the perimeter boundary of the roof section to which it is attached;
- C. conform to the slope of the roof;
- D. be aligned so the top edge of the Solar Energy Device is parallel to the roof ridge line for the roof section to which it is attached;
- E. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
- F. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory [www.nrel.gov] or equivalent entity).

If the Solar Energy Devices are located in a fenced yard, the Solar Energy Devices shall:

- A. have no portion of the Solar Energy Device extend above the top of the fence;
- B. if the fence is not a solid fence which blocks the view of the Solar Energy Device, the ARC may require the Solar Energy Device be placed in a location behind a structure or require visual screening.

3. Installation and Maintenance. All Solar Energy Devices:

- A. must be installed in compliance with manufacturer’s instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. All necessary permits must be obtained prior to the installation; and
- B. the Solar Energy Device must be maintained in good operation and repair. Unused or inoperable solar devices must be removed.

4. Prior Submittal. No Solar Energy Device may be installed without the prior approval of the Association. Any Owner or resident desiring to install a Solar Energy Device must submit a written request to the ARC for approval. Submittal forms can be obtained from the management company under

the most current management certificate filed of record in the Official Records of Kendall and Comal County, Texas. Failure to submit may result in the Owner or resident having to modify, relocate or remove the unapproved Solar Energy Device.

The ARC may withhold approval if the Owner or resident does not comply with the requirements of this policy or otherwise comply with TEX. PROP. CODE § 202.010; as it may be amended, restated or replaced from time to time, or if the ARC determines in writing that placement of the device as proposed by the Property Owner or resident constitutes a condition that substantially interferes with the use and enjoyment by the neighbors of their Property by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The requesting Owner or resident may provide the written approval of the proposed placement of the device by all Property Owners of adjoining the requesting Owner's or resident's Property, which written consent shall constitute prima facie evidence that such a condition does not exist.


- 5. Prohibited Installation. Installation of Solar Energy Devices may be prohibited:
 - A. by the declarant of a subdivision during the Development Period; or
 - B. by the ARC if the Solar Energy Device has been adjudicated by a court:
 - (i) to threaten the public health or safety; or
 - (ii) to violate an applicable federal, state or local law.

CERTIFICATE OF OFFICER

The undersigned certifies that the foregoing Solar Energy Devices Policy was duly approved and adopted by the Board of Directors of the NORTH BARCROFT PROPERTY OWNERS ASSOCIATION, INC., on the 1 day of April, 2023, 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 Solar Energy Devices Policy constitutes a dedicatory instrument under TEX. PROP. CODE § 202.006 which applies to the operation of North Barcroft Estates, a subdivision located in Kendall County and Comal County, Texas, as hereinabove described.

Signed this 1 day of April, 2023.

NORTH BARCROFT PROPERTY OWNERS ASSOCIATION, INC.

By: 
 Name: Doug Southwell
 Title: President

**Kendall County
Denise Maxwell
Kendall County
Clerk**

Instrument Number: 379390

eRecording - Real Property

AFFIDAVIT

Recorded On: April 24, 2023 10:34 AM

Number of Pages: 7

" Examined and Charged as Follows: "

Total Recording: \$46.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

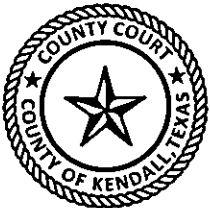
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 379390
Receipt Number: 20230424000021
Recorded Date/Time: April 24, 2023 10:34 AM
User: Grace O
Station: cclerk07

Record and Return To:

Corporation Service Company



**STATE OF TEXAS
COUNTY OF**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Kendall County, Texas.

Denise Maxwell
Kendall County Clerk
Kendall County, TX

Denise Maxwell