



## MUSTANG CREEK ESTATES HOA, INC.

### RECORDS INSPECTION POLICY

This Records Inspection Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS the Association adopted a Policy through resolution of the Mustang Creek Estates HOA, Inc. Board of Directors (the "Board") on August 23, 2021 .

NOW THEREFORE, the Association hereby adopts a Records Inspection Policy as follows:

1. Persons who may request to inspect records or purchase copies of records of the Association, other than members of the board, are limited to:
  - a. A member of the Association as evidenced by a deed, deed of trust, or provision within the declaration, or;
  - b. The agent, attorney or certified public accountant designated in writing signed by the owner as the owner's agent (an "Agent") of a member of the Association upon receipt by the Association of an instrument signed by both the owner and Agent, designating said Agent as such.
2. To inspect or obtain copies of Association records a valid request must be sent to the Association. To be valid, a request to inspect or purchase copies of records must:
  - a. Be submitted in writing by certified mail, return receipt requested, to the mailing address of the Association or to the authorized representative of the Association as reflected on the most current management certificate filed under Sec. 209.004 of Texas Property Code;
  - b. Describe in detail each record requested including the fiscal year to which said record relates;
  - c. Contain an election to inspect records before obtaining copies or purchase copies of the same.
3. The estimated cost of production of records shall be due from the requester to the association in advance of their production.
  - a. The cost for production of records shall include reasonable costs for labor, transportation of records, copies, or other mediums used for their production. Said costs shall not exceed the cost for an item under 1 T.A.C. 70.3.
3. The estimated cost of production of records shall be due from the requester to the association in advance of their production.
  - a. The cost for production of records shall include reasonable costs for labor, transportation of records, copies, or other mediums used for their production. Said costs shall not exceed the cost for an item under 1 T.A.C. 70.3.
  - b. The difference between the estimated cost of production and the actual final cost shall be settled within 30 days from the date the records were delivered.
  - c. If the estimated cost was lesser or greater than the actual costs, the association shall submit a final invoice to the owner on or before the 30th business day after the date the information is delivered. If the final invoice includes additional amounts due from the owner, the additional amounts, if not reimbursed to the association before the 30th business day after the date the invoice is sent to the owner, may be added to the owner's account as an assessment. If the estimated costs exceeded the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30th business day after the date the invoice is sent to the owner.
4. The Association may, at its option, produce the records in hard copy or electronic format for an owner requesting to obtain copies.
5. Types of records available for inspection shall include all responsive records identified in the

Association's Records Retention policy.

6. The association may not release any records that indicate the violation history or payment history of a particular owner of the community without written consent from said owner.

7. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

MUSTANG CREEK ESTATES HOA, INC.

DOCUMENT RETENTION POLICY

This Records Retention Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS the Association adopted a Policy through resolution of the Mustang Creek Estates HOA, Inc. Board of Directors (the "Board") on August 23, 2021 .

NOW THEREFORE, the Association hereby adopts a Records Inspection Policy as follows:

1. Certificates of formation, articles of incorporation, bylaws, restrictive covenants and all amendments to certificates of formation, bylaws and covenants shall be retained permanently at the Association's principal office address, electronically or in a storage facility as deemed appropriate by the Board.
2. Financial books and records shall be retained for seven years at the Association's principal office address, electronically or in a storage facility as seemed appropriate by the Board.
3. Account records of current owners shall be retained for five years at the Association's principal office address, electronically or in a storage facility as deemed appropriate by the Board.
4. Contracts with a term of one year or more shall be retained for four years after the expiration of the contract term at the Association's principal office address, electronically or in a storage facility as deemed appropriate by the Board.
5. Minutes of meetings of the owners and the Board shall be retained for seven years at the Association's principal office, electronically or in a storage facility as deemed appropriate by the Board.
6. Tax returns and audit records shall be retained for seven years at the Association's principal office address, electronically or in a storage facility as deemed appropriate by the Board.
7. Documents not specifically listed above will be retained for the time period of the documents most closely related to those listed in the above schedule. Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the above schedule will be maintained for the identified time period.
8. The custodian of the records of the Association is responsible for the ongoing process of identifying the Association's records which have met the required retention period and overseeing their destruction. Destruction of any physical documents will be accomplished by shredding. Destruction of any electronic records of the Association shall be made via a reasonable attempt to remove the electronic records from all known electronic locations and/or repositories.
9. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

## MUSTANG CREEK ESTATES HOA, INC.

### E-MAIL REGISTRATION POLICY

This E-Mail Registration Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, Section 209.0051(e)(2)(B) of the Texas Property Code provides that the Association may send the required notice of a meeting of the Association's Board of Directors (the "Board") by e-mail to each owner who has registered an e-mail address with the Association;

WHEREAS, pursuant to Section 209.0052(f), it is an owner's duty to keep an updated e-mail address registered with the Association;

NOW THEREFORE the Board has duly adopted the following E-Mail Registration Policy through resolution of the Mustang Creek Estates HOA, Inc. Board of Directors (the "Board") on August 23, 2021 as follows:

1. The purpose of this policy is to ensure that each owner receives proper notice of regular and special Board meetings of the Association pursuant to Section 209.0051(e) of the Texas Property Code. This E-mail Registration Policy is also intended to provide the Association with a method to verify the identity of owners who cast electronic ballots in elections via e-mail.
2. Each owner must register an e-mail address with the Association, and must keep his or her registered e-mail address up-to-date and accurate. An owner may register his or her e-mail address by submitting a request to register or change his or her e-mail address to the Association's property manager, via e-mail, mail, or facsimile. Alternatively, the Association may allow an owner to register his or her e-mail address through a form on the Association's website, if any. Please allow seven (7) business days from submission of an e-mail address for the Association to update its records. Please note, correspondence to the Association and/or its property manager from an email address for any other purpose other than an express statement to register an email address is not sufficient to register such email address with the Association.
3. In the event an owner fails to register an accurate email address with the Association, the owner may not receive email notification of regular and special Board meetings. Also, the Association may use an owner's registered email address for purposes of verifying the owner's identity for electronic voting. If an owner fails to register an email address with the Association or submits an electronic ballot from an email address other than the email address registered with the Association, such owner's electronic ballot may not be counted. The Association has no obligation to actively seek out a current email address for each owner. In addition, the Association has no obligation to investigate or obtain an updated e-mail address for owners whose current registered email address is returning an email delivery failure message/undeliverable message.
4. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

## MUSTANG CREEK ESTATES HOA, INC.

### FLAG DISPLAY GUIDELINES

These Flag Display Guidelines for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS the Association adopted a Policy through resolution of the Mustang Creek Estates HOA, Inc. Board of Directors (the "Board") on August 23, 2021 .

NOW THEREFORE, the Association hereby adopts a Flag Display Guidelines Policy as follows:

1. In order to comply with Section 202.012 of the Texas Property Code, the Board of Directors of the Association adopts the following guidelines for flag displays. An Owner or resident may display:
  - a. The flag of the United States of America;
  - b. The flag of the State of Texas; or
  - c. An official or replica flag of any branch of the United States armed forces.
2. An Owner may only display a flag described above if such display meets the following criteria:
  - a. A flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10;
  - b. A flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code;
  - c. A flagpole attached to a dwelling or a freestanding flagpole must 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;
  - d. The display of a flag or the location and construction of the supporting flagpole must comply with applicable zoning ordinances, easements and setbacks of record;
  - e. A display flag and the flagpole on which it is flown must be maintained in good condition and any deteriorated flag or deteriorated or structurally unsafe flagpole must be repaired, replaced or removed;
3. The Association hereby adopts the following additional restrictions on the display of flags on an Owner's lot:
  - a. An Owner may not install a flagpole which is greater than twenty feet (20') in height, and must be equipped to minimize halyard noise;
  - b. An Owner may not install more than one flagpole on the Owner's property. A flagpole can either be securely attached to the face of the dwelling or be a freestanding flagpole;
  - c. Any flag displayed must not be greater than 4' x 6' in size;
  - d. An Owner may not install lights to illuminate a displayed flag which, due to their size, location or intensity, constitute a nuisance;
  - e. An Owner may not locate a displayed flag or flagpole on property that is:
    - i. Owned or maintained by the Association; or
    - ii. Owned in common by the members of the Association.
  - f. Prior to erecting or installing a flag and/or flag pole, an Owner must first submit plans and specifications to and receive the written approval of the Board or Architectural Control Committee ("ACC"). The plans and specifications must show the proposed location, material, size and type of such flag and flagpole (and all parts thereof, including any lights to illuminate the displayed flag).

4. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

**MUSTANG CREEK ESTATES HOA, INC.**

**ALTERNATIVE PAYMENT PLAN POLICY**

This Alternative Payment Plan Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS the Association adopted a Policy through resolution of the Mustang Creek Estates HOA, Inc. Board of Directors (the "Board") on August 23, 2021 .

NOW THEREFORE, the Association hereby adopts an Alternative Payment Plan Policy as follows:

1. The purpose of this Policy is to assist Owners in managing their delinquent assessments and fees and remain current on the payment of those amounts owed to the Association by providing a uniform and orderly procedure by which Owners can make payments to the Association.
2. Only the Owner of record can enter into a payment plan.
3. The Association will accept payment plans in which the delinquent balance should be paid in full within a minimum term of three (3) months or a maximum term of eighteen (18) months. The Board of Directors shall have discretion to decide the length of the term.
4. The Association Board of Directors will consider alternate payment plan terms, if the homeowner presents the alternate terms in writing and the Owner has not failed to honor the terms of a previous payment plan within the last two (2) years.
5. The Association Board of Directors will notify the homeowner, directly, or through its managing agent, of acceptance/denial of payment plan schedule. If accepted, Owner must submit a signed payment plan along with the initial payment to the designated address.
6. If the Association bills an Assessment, Special Assessment, or other applicable Association fee, it must be paid in full within thirty (30) days, and is not to be included in the payment plan schedule.
7. If an Owner requires a payment plan for a Special Assessment, or other applicable Association fee, and does not have a delinquent balance, a payment plan can be entered into that ensures the balance due is paid prior to the next scheduled Assessment, or Special Assessment (if applicable).
8. Owner payments are to be received by the 15th day of each month, unless otherwise approved by the Association Board of Directors or its managing agent.
9. If payments are submitted in accordance with the payment plan guidelines, the Owners account will not incur additional late fees but may continue to incur interest. The Association may charge a reasonable fee to negotiate, establish and initiate a payment plan and charge a monthly fee to administer the plan for the duration of the payment plan.
10. If the payment plan goes into default, a subsequent payment plan may not be approved by the Board of Directors for a period of two (2) years.
11. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21



**MUSTANG CREEK ESTATES HOA, INC.**

**APPLICATION OF PAYMENTS POLICY**

This Application of Payments Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS the Association adopted a Policy through resolution of the Mustang Creek Estates HOA, Inc. Board of Directors (the "Board") on August 23, 2021 .

NOW THEREFORE, the Association hereby adopts an Application of Payments Policy as follows:

1. Except as provided by Paragraph 2, a payment received by the Association from the owner shall be applied to the owner's debt in the following order of priority:
  - a. any delinquent assessment;
  - b. any current assessment;
  - c. any attorney's fees or third party collection costs incurred by the Association associated solely with assessments or any other charge that could provide the basis for foreclosure;
  - d. any attorney's fees incurred by the Association that are not subject to Subsection (c);
  - e. any fines assessed by the Association; and
  - f. any other amount owed to the Association.
2. If, at the time the Association receives a payment from a property owner, the owner is in default under a payment plan entered into with the Association:
  - a. the Association is not required to apply the payment in the order of priority specified by Subsection (a); and
  - b. in applying the payment, a fine assessed by the Association may not be given priority over any other amount owed to the Association.
3. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

## MUSTANG CREEK ESTATES HOA, INC.

### RAINWATER COLLECTION SYSTEMS GUIDELINES

This Rainwater Collection Systems Guidelines for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS the Association adopted a Policy through resolution of the Mustang Creek Estates HOA, Inc. Board of Directors (the "Board") on August 23, 2021 .

NOW THEREFORE, the Association hereby adopts a Rainwater Collection Systems Guidelines Policy as follows:

1. No rainwater harvesting systems may be constructed or installed without the prior written authorization of the Architectural Control Committee ("ACC"). Rainwater harvesting systems will be approved upon request by an owner subject to the following exceptions and restrictions:
  2. Rainwater harvesting systems allowable uses are restricted to outdoor irrigation and foundation watering only. Required components are;
    - a. Rooftop catchment surface
    - b. Debris excluder (leaf screen, roof washer, first-flush diverter, etc.)
    - c. Storage tank(s)
    - d. Delivery system (gravity or pump fed)
    - e. All systems must adhere to city ordinances when and where applicable
  3. To prevent backflow contamination, an air gap or reduced pressure principle backflow assembly is required when using potable water as a supplementary water source for rainwater harvesting systems. Storage tanks must:
    - a. Be opaque to prevent algae growth
    - b. Have never been used to store hazardous materials
    - c. Be covered, vents screened
    - d. Be accessible for cleaning and repair
    - e. Have locked/secured openings
    - f. Have an overflow port
    - g. Be placed on a stable/level surface
    - h. Be eight feet (8') or less in height
    - i. Have a 1:1 setback if laid underground
  4. Systems must be maintained to prevent mosquito breeding and be labeled "Rainwater Do Not Drink" or with a similar phrase to prevent accidental ingestion of non-potable water.
  5. Systems are only allowed in the back yard and all systems must be screened from public view.
  6. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

**MUSTANG CREEK ESTATES HOA, INC.**

**DISPLAY OF CERTAIN RELIGIOUS ITEMS GUIDELINES**

This Religious Items Display Guidelines Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, Section 209.018(b) of the Texas Property Code provides thaa the Association may not adopt or enforce a provision in a dedicatory instrument that would prohibit owner from displaying or affixing on the owner’s “property” or “dwelling”;

WHEREAS, pursuant to Section 209.018(b) of the Texas Property Code, the Board of Directors is permitted to adopt certain limitations on the display of religious items.;

NOW THEREFORE the Board has duly adopted the following Religious Items Display Guidelines through resolution of the Mustang Creek Estates HOA, Inc. Board of Directors (the "Board") on August 23, 2021 as follows:

1. The religious item cannot threaten public health or safety.
2. The religious item cannot violate the law.
3. The religious item cannot contain language, graphics or other display that is patently offensive to a passerby.
4. The religious item cannot be installed on property owned or maintained by the Assoriation or on common property.
5. The religious item may not violate setback restrictions.
6. The religious item may not be attached to a traffic control device or fire hydrant.
7. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

**MUSTANG CREEK ESTATES HOA, INC.**

**ROOFING MATERIALS GUIDELINES**

This Roofing Material Guidelines for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, Section 202.011 of the Texas Property Code precludes associations from adopting or enforcing a prohibition or restriction on certain roofing materials.

WHEREAS, pursuant to Section 202.011 of the Texas Property Code, the Board of Directors is precluded from adopting or enforcing a prohibition or restriction on certain roofing materials;

NOW THEREFORE, pursuant to Section 202.011 of the Texas Property Code, the Board is permitted to adopt certain limitations on roofing materials.

**BE IT RESOLVED THAT:**

1. In order to comply with Section 202.011 of the Texas Property Code, the Board of Directors of the Association adopts the following guidelines for certain roofing materials.

a. Certain types of roof shingles are designed to prevent wind and hail damage, provide heating and cooling efficiencies, or provide solar generation capabilities;

b. Prior to installation of these types of roof shingles, you must obtain written approval from the architectural control committee;

c. To comply with these guidelines the roof shingles must resemble the shingles used on other properties within the subdivision;

d. the shingles must also be more durable than and are of equal or greater quality to the shingles used on other properties within the subdivision;

e. The shingles must match the aesthetics of other properties surrounding the owner's property.

2. In the event of any conflict between these provisions and any roofing material restriction contained in any governing documents of the Association, including design guidelines, policies and the Declaration, this Roofing Materials Policy controls.

3. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

**MUSTANG CREEK ESTATES HOA, INC.**

**SOLAR ENERGY DEVICES GUIDELINES**

This Solar Energy Guidelines for the Mustang Creek Estates HOA, Inc. (the “Policy”) is adopted by Mustang Creek Estates HOA, Inc. (the “Association”), a Texas Non-Profit Corporation.

WHEREAS, Section 202.010 of the Texas Property Code precludes associations from adopting or enforcing a complete prohibition on solar energy devices.

NOW THEREFORE, pursuant to Section 202.010 of the Texas Property Code, the Board is permitted to adopt certain limitations on solar energy devices.

**BE IT RESOLVED THAT:**

1. In order to comply with Section 202.010 of the Texas Property Code, the Board of Directors of the Association adopts the following guidelines to govern solar energy devices.

a. Solar panels may be approved by the architectural control committee, but prior to installation you must obtain written approval from the architectural control committee;

b. Unless there is supplied documentation stating that the energy production of the solar panel will be compromised by more than ten percent to solar panel must be placed on the rear facing portion of the roof, or may be placed on the rear facing portion of another approved structure;

c. The solar panel may not be higher or wider than any flat portion of the roof where it is attached. The top edge of the solar panel must be parallel with the roofline, or if the roofline is at an angle it must be parallel with the bottom portion of the roof. The solar panel must also conform to the slope of the roofline;

d. If the solar panel will be located anywhere on the lot other than a roof of the home or other approved structure the solar panel must be located below the fence line;

e. The color of the solar panel frames, brackets, wires and pipes must be included with the improvement request.

2. In the event of any conflict between these provisions and any roofing material restriction contained in any governing documents of the Association, including design guidelines, policies and the Declaration, this Solar Energy Device Policy controls.

3. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

MUSTANG CREEK ESTATES HOA, INC.

MEMBERSHIP VOTING POLICY

This Membership Voting Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, voting is governed in whole or in part by Sections 209.0058, 209.0059, 209.00593 and 209.0054 of the Texas Property Code (the "Voting Requirements"), and;

WHEREAS, the Association may adopt policies and rules to help facilitate the provisions outlines in the Voting Requirements.

NOW THEREFORE, the Association hereby adopts a Membership Voting Policy as follows:

1. The Association shall have the sole authority to promulgate all ballots, absentee ballots, proxy forms or other instruments ("Voting Instruments") for use in Association wide votes or elections and the Association may not accept any other form of these instruments in connection with an Association vote or election.

2. The Association may include copies of Voting instruments for use in Association wide votes or elections in the notice of said meeting. Members shall otherwise be entitled to obtain from the Association copies of said unexecuted Voting Instruments.

3. All Voting Instruments must be signed and dated by the member executing said instrument. Unsigned or undated instruments may be deemed invalid and may not be counted toward quorum and/or totals in a vote or election.

4. Voting Instruments may be submitted to the Association electronically, by mail or in person not later than one business day prior to the election or vote to which they pertain. Voting Instruments may also be submitted at the meeting to which they pertain prior to the close of voting.

5. Electronic submission of executed Voting Instruments may include e-mail submission or facsimile transmission of said Voting Instrument to the respective email address or fax number listed for such purpose on said instrument promulgated by the Association. Electronic submission of said Voting Instruments shall also include an electronic transmission made through a secured exchange available through the Association's website.

6. Voting Instruments may also be mailed to the principal office address of the Association as listed on the Voting Instrument. If mailing, Voting Instruments must be received not later than one business day prior to the Election or vote to which they pertain.

7. Votes cast by proxy may only be cast in person by the proxy holder at the meeting for which said proxy is effective.

8. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

## MUSTANG CREEK ESTATES HOA, INC.

### DROUGHT RESISTANT LANDSCAPING AND NATURAL TURF GUIDELINES

This drought resistant Landscaping and Natural Turf Guidelines Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, The Texas Property code Section 202.007 precludes associations from adopting or enforcing a prohibition that restricts an owner from using drought resistant landscaping or water conserving natural turf; and

WHEREAS, In the best interest of the Association in light of frequent and persistent drought conditions in the area, the Association desires to adopt the following guidelines.

NOW THEREFORE, the Association's supplementary guidelines on drought resistant landscaping and water conserving natural turf are as follows:

1. In order to comply with Section 202.007 of the Texas Property Code, the Board of Directors of the Association adopts the following guidelines for the use of drought-resistant landscaping or water conserving natural turf:
  - a. The Architectural Control Committee will allow variances for xeriscaping as long as 25% of publicly visible area is covered with natural turf and all other guidelines below are met.
  - b. Homeowners must submit an Architectural Control Committee request or a request for a variance to the Architectural Control Committee (as applicable). The request must include details of the project and a design plan. Installation of the new xeriscaping cannot begin until the request has been approved.
  - c. Non-turf planted areas must be bordered to define the xeriscape areas clearly from turfed areas.
  - d. Xeriscaped areas must be kept maintained at all times to ensure an attractive appearance. This includes trimming plants, keeping the area weed-free, and edging along borders.
  - e. No boulders or large rocks exceeding six inches (6") may be used on the narrow strips between sidewalks and the street curb.
  - f. No plants may encroach onto or over public sidewalks.
  - g. No plants with thorns, spines, or sharp edges can be used within six feet (6') of the sidewalks.
  - h. Urns, pots, and other manmade ornamentation cannot exceed four (4) items in public view.
  - i. No plants greater than twelve inches (12") in height should be planted in the sidewalk strip area.
  - j. Sickly and dying plants must be removed and replaced.
  - k. Perennials and ornamental grasses that die back in winter must be cut back to remove dead material.
2. Xeriscaping – Xeriscaping means using native and adapted plants that grow and sustain themselves with low water requirements, and that can tolerate heat and drought conditions.
3. Ground Cover – If a request is granted, non-turf areas can contain decomposed granite, ground hardwood mulch, crushed limestone, flagstone, or other loose stone material for a ground cover. The ground cover must be maintained to prevent weed growth, preferably without using toxic or environmentally harmful chemicals. Paver stones may be used to create walkways. Concrete surfaces are limited to driveways and sidewalks only.

4. Plants – Use plants adapted to the pH soil conditions created by the non-turf materials used. For example, don't use acid-loving plants along with alkaline crushed limestone. Acid-loving plants would do well with ground hardwood mulch. Native plants would do well with limestone or crushed granite. For public safety, no plants with thorns, spines, or sharp edges can be used within six feet (6') of the sidewalks. Also, no plants higher than twelve inches (12") may be planted in the sidewalk strip, as this constitutes a visual safety hazard to pedestrians and drivers.

5. Borders – Xeriscaped areas must be surrounded by a border to clearly define the xeriscape areas from turfed areas. Borders can consist of metal edging or mortared masonry units. Masonry products include stone, clay brick pavers or concrete masonry units manufactured as edging shapes. Any proposed masonry edging must receive approval of the Architectural Control Committee. All masonry products must be properly mortared in place to avoid displacement and weed encroachment or growth between masonry units. Brick masonry must be approved for color and type; if brick units are to be used they must be solid units, not those with holes. No "common" concrete blocks are permitted. If iron edging is used, it must be properly staked and set with the top edge not more than two inches (2") above grade. Borders must be maintained as part of the landscaping, must be kept in attractive condition, and must be edged.

6. Hardscapes – Hardscapes can include large boulders or other natural materials that are used as part of xeriscape landscaping design. Urns, pots, and other man-made ornamentation can add variety, but are not to exceed four (4) items in public view. Any proposed landscape "decorative items" such as birdbaths statuary, or other similar non-vegetative items must be approved in advance. No boulders or large rocks exceeding six inches (6") may be used on the easement strips between the sidewalks and the street curb.

7. Landscape Maintenance – Xeriscaped areas are subject to the same maintenance 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. No plants may encroach on sidewalks. Sickly and dying plants must be removed and replaced. Perennials that die back during winter must be cut back to remove dead material. This includes most ornamental grasses and other flowering perennials that go dormant to the ground in winter. Xeriscaped areas are subject to the same maintenance 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. No plants may encroach on sidewalks. Sickly and dying plants must be removed and replaced. Perennials that die back during winter must be cut back to remove dead material. This includes most ornamental grasses and other flowering perennials that go dormant to the ground in winter.

8. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21



**MUSTANG CREEK ESTATES HOA, INC.****VIOLATION ENFORCEMENT POLICY**

This Violation Enforcement Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, The Board of Directors is empowered to enforce the covenants, conditions and restrictions of the covenants, Bylaws and any rules and regulations of the Association; and

WHEREAS, it is the Board's duty to use its best efforts to assure that said enforcement occurs.

NOW THEREFORE, the Board of Directors hereby adopts this Violation Enforcement Policy to establish equitable policies for the Association in compliance with the Chapter 209 of the Texas property Code, titled the "Texas Residential Property Owners Protection Act", as it may be amended (the "Act"). to the extent any provision within this policy is in conflict the Act or any other applicable law , such provision shall be modified to comply with the applicable law.

1. All rules of the Association shall be enforced.
2. The following Violation Schedule shall be the Association's policy of enforcement.

**Violation Schedule for Mustang Creek Estates HOA, Inc.**

<b>Violation Procedure</b>	<b>Status</b>	<b>Action Required</b>
First Notice - Courtesy Notice via email and/or regular mail	1st Reporting/Sighting	7 days to contact or correct
Second Notice - Warning Notice (sent via email, regular mail and certified/verified mail)	Warning of Non-compliance & No application for extension	7 days to contact or correct then fine assessed per Fining Policy
Subsequent Notice for Continued Violation (sent via email, regular mail and certified/verified mail)	Non-compliance & No application for extension	7 days to contact or correct then fine assessed per Fining Policy
Subsequent Notice for Continued Violation (sent via email, regular mail and certified/verified mail)	Non-compliance & No application for extension	7 days to contact or correct then fine assessed per Fining Policy
Subsequent Notice for Continued Violation (sent via email, regular mail and certified/verified mail)	Non-compliance & No application for extension	7 days to contact or correct then fine assessed per Fining Policy
Subsequent Notice for Continued Violation (sent via email, regular mail and certified/verified mail)	Non-compliance & No application for extension	7 days to contact or correct then fine assessed per Fining Policy
Final Notice: Final notice per section 209.006 of the Texas Property Code (sent via email and certified/verified mail)	Non-compliance & No application for extension	7 days to contact or correct then fine assessed per Fining Policy
The Board of Directors may authorize the account to be forwarded to the attorney.	Non-compliance & No application for extension	Attorney will work with owner to correct the violation.

**General Policy**

If a homeowner contacts management with the intent to correct a violation and asks for an extension, management shall grant such extension if it deems the extension reasonable. If the homeowner does not cure the violation after the extension period, the homeowner shall immediately be referred to the association's attorney.

**Attorney Procedure**

It is the option of the Board to decide when and if an account goes to the attorney. The decision to escalate an account to the attorney may be based on violation severity, prior violation history or other factors that may influence the board of Directors' decision. Once an account is turned over to the attorney's office the attorney will send the homeowner a letter of representation and a demand for compliance with the association's governing documents. If the homeowner does not respond the attorney shall pursue all available action to cure the violation through the court/legal system. If allowable by law or the Association's Declaration of Covenants, all attorneys' fees/court costs shall be the homeowner's responsibility and shall be charged to the homeowner's account and the money due shall be subject to the Association's ordinary collection procedure or a permissible by law. If the amount due is not paid the attorney shall file a notice of lien.

**Other:** This policy may be amended and/or adjusted by the Board of Directors from time to time without notice. Homeowners are advised that they should contact the management company to request the most recent version of this policy if they have a question and/or need assistance in making payment arrangements.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

## MUSTANG CREEK ESTATES HOA, INC.

### CONFLICT OF INTEREST POLICY

This Conflict of Interest Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, The Texas Property code Section 202.0052 adds limitations relating to an association contracting services from a board member, a board member's Relative, a board member's company, or a board member's Relative's company.

WHEREAS, The Association's Board of Directors (the "Board") desires to establish a policy consistent with Section 209.0052.

NOW THEREFORE, contracts causing a conflict of interest with a current Director will comply with the following:

1. For the purpose of this policy, a Relative is a person related to a current Director within the third degree by consanguinity or affinity. For purposes of this policy, Owned means that a person owns fifty-one (51%) or more.
2. The Association may enter into a contract with a current Director, a Relative of a current Director, a company Owned by a current Director, or a company Owned by a current Director's Relative or any benefit above and beyond any benefit received by the entire membership of the community if:
  - a. The Association has received at least two other competitive bids for the contract from persons not associated with the Director, Relative, or company (if reasonably available);
  - b. The applicable Director is not given access to the other bids, does not participate in any Board's discussion regarding the contract, and does not vote on the award of the contract;
  - c. The relationship concerning the applicable Director is disclosed to or known by the Board and the Board, in good faith and with ordinary care, authorized the contract by affirmative vote of the majority of the Directors who do not have a conflict of interest; and
  - d. The Board certifies by a resolution that the requirements of Section 209.0052 have been met.
3. A conflict of interest shall mean, any contract, transaction, or other action taken in the court of Association business that will benefit a current Director, a Relative of a current Director, a company Owned by a current Director, or a company owned by a current Director's Relative, or any benefit above and beyond any benefit received by the entire membership of the community.
4. The interest can be either direct or indirect.
5. The benefit is not limited to strictly monetary rewards (e.g. access to information for private gain).
6. If a conflict of interest is discovered after a decision has been made, the pertinent Director must notify the rest of the Board as soon as he or she is aware of a conflict.
7. The other board members must reexamine the issues with the new information in accordance with this policy.
8. Contracts entered into in violation of this policy are void and unenforceable.
9. A current Director with a conflict of interest will still be counted in determining whether a quorum exists.

10. The Board certifies through this policy that the requirements of Section 209.0052 have been met.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

## MUSTANG CREEK ESTATES HOA, INC.

### ELECTRONIC AND TELEPHONIC ACTION POLICY

This Electronic and Telephonic Action Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, Section 209.0051(h) of the Texas Property Code was recently amended to allow the Board of Directors to take action outside of a meeting including voting by electronic or telephonic means without notice to the members; and

WHEREAS, pursuant to Section 209.0051(h), the Association desires to enact uniform procedures to ensure that for electronic or telephonic voting, each Director has a reasonable opportunity to express his or her opinion to all other board members and to cast his or her vote; and

WHEREAS, this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code 202.01, et. seq, and the Association shall have and may exercise discretionary authority with respect to these restrictive covenants;

NOW THEREFORE, the Board of Directors hereby adopts the following Electronic and Telephonic Action Policy:

#### General Procedures:

1. Voting Quorum is defined as a majority of the Board positions currently filled.
2. Reasonable opportunity is defined as 72 hours.
3. Upon election to the Board of Directors, each Director has the responsibility to provide his or her preferred email address and phone number to the Association's managing agent and/or all other current Board members, and has the responsibility to update the email address or phone number if their preferred contact information changes.
4. At any point in time a Director may request an alternate method of voting. The board of Directors may provide a reasonable alternative method of voting such as email, phone, fax or mail or other method agreed upon by the Board of Directors and the requesting Director.

#### Email Procedures:

1. When a matter arises for a vote of the Board of Directors for which email voting is permitted, the managing agent and/or the requesting Director shall send an email to the email address of each Director. The email will state the proposal(s) being voted on and include any pertinent information or documents necessary for the decision to be made.
2. Each Director shall be entitled to reply to all the other Directors and express his or her opinion on the proposal before casting his or her vote.
3. A vote shall be considered concluded upon any of the following occurrences:
  - a. At least a majority of the Directors vote to approve the proposal, or
  - b. A Voting Quorum respond with their vote and the majority of the Voting Quorum vote in agreement on the proposal, and each director has had a reasonable opportunity to respond to email request for vote.

#### Telephonic Procedures:

1. When a matter arises for a vote of the Board of Directors for which telephonic voting is permitted, the managing agent and/or the requesting Director shall contact each Director via provided

contact information.

2. Each Director shall be informed of the proposal(s) being voted on and include any pertinent information for the decision to be made. A date, time and phone number shall be provided of when the vote will occur and allow for reasonable opportunity of review by each Director.

3. During the telephone conference, each Director must be able to hear and be heard by all other directors. Each Director shall be entitled to

4. A vote shall be considered concluded upon any of the following occurrences:

a. At least a majority of the Directors vote to approve the proposal, or

b. A Voting Quorum respond with their vote and the majority of the Voting Quorum vote in agreement on the proposal, and each director has had a reasonable opportunity to respond to email request for vote.

5. All routine and administrative business of the Association may be conducted via email or phone as permissible by law.

6. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

**MUSTANG CREEK ESTATES HOA, INC.**

**UNCURABLE VIOLATION ENFORCEMENT POLICY**

This Uncurable Violation Enforcement Policy for the Mustang Creek Estates HOA, Inc. (the “Policy”) is adopted by Mustang Creek Estates HOA, Inc. (the “Association”), a Texas Non-Profit Corporation.

WHEREAS, The Board of Directors is empowered to enforce the covenants, conditions and restrictions of the Covenants, Bylaws and any rules and regulations of the Association.

WHEREAS, It is the Board's duty to use its best efforts to assure that said enforcement occurs. Uncurable violation is defined as: A violation that has occurred, but is not a continuous action or a condition capable of being remedied by affirmative action. The non-repetition of a one-time violation or other violation that is not ongoing is not considered to be an adequate remedy.

NOW THEREFORE, THE Board of Directors hereby adopts this Uncurable Violation Enforcement Policy to establish equitable policies for the Association in compliance with Chapter 209 of the Texas Property Code.

1. All rules of the Association shall be enforced.
2. The Violation Schedule (attached) shall be the Association’s Policy of enforcement of Uncurable Violations.
3. All other violations will be governed by the current Violation Enforcement Policy and are not impacted by this policy.
4. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time.

**Uncurable Violation Procedure for Mustang Creek Estates HOA, Inc.**

<b>Violation Procedure</b>	<b>Status</b>	<b>Action Required</b>
Report/Sighting: Fine Assessed and/or Fine Notice sent (verified mail or email)	Notice of applied fine and/or the intent to assess additional fine for any future occurrences	Owner must not repeat action or condition

**General Policy**

If a homeowner is in violation of an uncurable violation as defined in this policy, the above table will govern action taken. All other violations will follow the Association Violation Enforcement Policy. Uncurable violation examples include, but are not limited to: discharging firearms, an act constituting a threat to health or safety, a noise violation that is not ongoing, property damage (including the removal or alteration of landscape), holding an event prohibited by the dedicatory instruments.



**Attorney Procedure**

The Board, in its best discretion may decide when and if an account is escalated to an attorney or other third party for enforcement. The decision to escalate an account to the attorney may be based on violation severity, prior violation history or other factors that may influence the board of Directors' decision. If allowable by law or the Association's Declaration of Covenants, all attorneys' fees/court costs shall be the homeowner's responsibility and shall be charged to the homeowner's account and the money due shall be subject to the Association's ordinary collection procedure or a permissible by law.

**Other:** This policy may be amended and/or adjusted by the Board of Directors from time to time without notice. Homeowners are advised that they should contact the management company to request the most recent version of this policy if they have a question and/or need assistance in making payment arrangements.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

MUSTANG CREEK ESTATES HOA, INC.

GUIDELINES FOR LAND USE OF ADJACENT LOTS POLICY

This Guidelines for Land Use of Adjacent Lots Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, Section 209.015 of The Texas Property Code restricts the Association from adopting or enforcing a provision in a dedicatory instrument that prohibits a resident's use of an adjacent lot for residential purposes including a garage, sidewalk, driveway, parking area, children's swing or playscape, fence, septic system, swimming pool, utility line, or water well, and the parking or storage of a recreational vehicle, if allowed by the dedicatory instruments;

WHEREAS, Pursuant to Section 209.015 of the Texas Property Code, the Board of Directors is permitted to adopt certain limitations on the land use of adjacent lots owned by a common owner.

NOW THEREFORE, in order to comply with Section 209.015 of the Texas property code, the Board of Directors of the Association adopts the following guidelines for Land Use of Adjacent Lots:

- 1. If allowed by the dedicatory instruments, adjacent lots may be used for residential purposes such as a garage, sidewalk, driveway, parking area, children's swing or playscape, fence, septic system, swimming pool, utility line, or water well, and the parking or storage of a recreational vehicle;
- 2. An adjacent lot owned by a common owner to be used for a residential purpose is subject to approval of the Association or its Architectural Control Committee if such criteria is prescribed in the dedicatory instruments;
- 3. When selling the lot, the owner must include the adjacent lot in the sale, restore the adjacent lot to the original condition before the addition of the improvements allowed hereunder, or sell the adjacent lot separately but only for the purpose of constructing a new residence that complies with the existing requirements in the dedicatory instruments.

In the event of any conflict between these guidelines and any use restrictions contained in any governing documents of the Association, including design guidelines, policies and the Declaration, this Land Use for Adjacent Lots Policy controls.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

MUSTANG CREEK ESTATES HOA, INC.

STANDBY ELECTRIC GENERATORS GUIDELINES POLICY

This Standby Electric Generators Guidelines Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, The Texas property Code Chapter 202 Section 202.019 prohibits associations from adopting or enforcing certain prohibitions or restrictions on standby electric generators (SEG) and;

WHEREAS, Pursuant to Section 209.019 of the Texas Property Code, the Board of Directors is permitted to adopt certain limitations on standby electric generators.

NOW THEREFORE, in order to comply with Section 209.019 of the Texas property code, the Board of Directors of the Association adopts the following guidelines for standby electric generators:

- 1. In order to comply with Section 202.019 of the Texas Property Code, the Board of Directors of the Association adopts the following guidelines for standby electric generator devices:
  - a. The owner shall first apply to and receive written approval from the Association prior to installation of any SEG permitted by 202.019 that will be located outside of the main residential structure on the Property, in the same manner as all other submissions for approval or improvements to property.
  - b. The SEG must be installed by a licensed contractor in compliance with all applicable laws, governmental codes and accepted standards, for all electrical, plumbing and fuel line connections.
  - c. The SEG must be installed and maintained to comply with zoning ordinances and governmental health, safety and other codes. If a component of the SEG or the SEG is deteriorated or unsafe, then it shall be repaired, replaced or removed as appropriate.
  - d. The Association may restrict the location of the SEG within the guidelines of the law.
  - e. The Association may require the screening of SEG in public view and regulate the size, type, materials and manner of screening for SEG and systems that are visible from the street, another lot, or common area.
  - f. There must be sufficient areas on the owner's property to install the standby electric generator device.
  - g. Once power has been restored to the residence and has been available for a continuous period of two hours, the generator may no longer be used.
- 2. In the event of any conflict between these provisions and any SEG device restrictions contained in any governing documents of the Association, including design guidelines, policies and the Declaration, this Standby Electric Generator policy controls.

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

MUSTANG CREEK ESTATES HOA, INC.

ARCHITECTURAL CONTROL COMMITTEE APPEALS POLICY

This Architectural Control Committee Appeals Policy for the Mustang Creek Estates HOA, Inc. (the "Policy") is adopted by Mustang Creek Estates HOA, Inc. (the "Association"), a Texas Non-Profit Corporation.

WHEREAS, The Texas property Code Chapter 209 Section 209.00505 provides that a property owner may appeal the decision of the Architectural Control Committee ("ACC") and;

NOW THEREFORE, in order to comply with Section 209.00505 of the Texas property code, the Board of Directors of the Association adopts the following policy for ACC Appeals:

1. The owner receiving a denial decision from the ACC shall be informed of the Appeal process in writing at the same time the denial is conveyed to the owner.
2. The owner will have the right to one (1) appeal and will be given thirty (30) days from the date of the denial letter in which to inform the Association in writing that he/she elects to appeal the ACC decision.
3. The Board will schedule a meeting within thirty (30) days from the date the owner provides their notice to appeal the ACC denial. This meeting may be held in person or through electronic means. The Association will provide the owner a notice of the hearing, including date, time, and location, at least 10 days before the hearing date. Either the Board or the owner have the right to continuance of not more than 10 days.
4. Within ten (10) days of the appeal meeting, the Board shall inform the owner of its decision to either affirm or reverse the ACC denial. Such decision shall be final. If the Board grants the owner's appeal, the prior decision of the ACC is modified to the extent specified by the Board.
5. This policy replaces any previously recorded or implemented policy that addresses the subject contained herein. The Board of Directors may amend this policy from time to time

EFFECTIVE DATE: August 23, 2021

Authorized Board Member Signature: Michael Raley Date: 8/23/21

These policies and guidelines are effective upon recordation in the Public Records of Tarrant County, and supersede any guidelines or policies which may have previously been in effect. Except as affected by the Texas Property Code and/or by these policies and guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect. Approved and adopted by this Board on the 27 day of September, 2021.

Mustang Creek Estates HOA, Inc.

By: GloboLink Management

By: Tiffany K Dounge  
Tiffany K. Dounge  
GloboLink Management  
Property Manager

This instrument was acknowledged and signed before me on the 27 day of September, 2021 by Tiffany K. Dounge, representative of GloboLink Management, the Property Manager for Mustang Creek Estates HOA, Inc., on behalf of said association.

Given under my official hand and seal this

C. A. White  
Notary Public, State of Texas

**AFTER RECORDING PLEASE RETURN TO:**  
GloboLink Management  
PO Box 1532  
Keller, TX 76244-1532

