

STATE OF TEXAS §
 §
COUNTY OF DENTON §

**CERTIFICATE AND RESOLUTION OF THE
NEW CONSTRUCTION COMMITTEE OF THE
HIGHLAND SHORES OWNERS ASSOCIATION, INC.
ADOPTING NEW SECTION 3.2.3A and NEW SECTION 3.2.7A
OF THE DESIGN GUIDELINES and REVIEW PROCEDURES
FOR NEW CONSTRUCTION - RESIDENTIAL**

WHEREAS, the Highland Shores Owners Association, Inc. (the "Association") is governed pursuant to and in accordance with that certain Declaration of Covenants, Conditions and Restrictions for Highland Shores Owners Association, recorded on or about January 25, 1984 in Volume 1330, Page 46, et seq. of the Real Property Records of Denton County, Texas, and any and all supplements thereto and amendments thereto (collectively, the "Highland Shores Declaration"); and

WHEREAS, under Article XI, Section 1 of the Highland Shores Declaration, the New Construction Committee ("NCC") has exclusive jurisdiction over all original construction on any portion of the Properties. The NCC is authorized to prepare and, on behalf of the Board of Directors, promulgate design guidelines and application procedures; and

WHEREAS, on or about August 11, 1995, the NCC promulgated the Design Guidelines and Review Procedures for New Construction - Residential for the Highland Shores Owners Association, Inc. (the "NCC Design Guidelines"); and

WHEREAS, under Article XI of the Highland Shores Declaration, no construction is allowed which does not strictly comply with the Highland Shores Declaration and the NCC Design Guidelines; and

WHEREAS, a meeting of the NCC was held on the 5th day of August, 2011 (the "NCC Meeting") at which a quorum was present; and

WHEREAS, a motion was made at the NCC Meeting to approve and adopt amendments to the NCC Design Guidelines by adding Section 3.2.3A, *Installation of Certain Roofing Materials*, and Section 3.2.7A, *Installation of Solar Panels*, to the NCC Design Guidelines (collectively, the "Amendments"). A true and correct copy of the Amendments are attached hereto as Exhibit 1 and Exhibit 2; and

WHEREAS, the Amendments were discussed and presented for a vote at the NCC Meeting and the Board Meeting; and


WHEREAS, the Amendments attached hereto as Exhibit 1 and Exhibit 2 were approved and adopted unanimously at the NCC Meeting.

NOW, THEREFORE, BE IT RESOLVED, that Section 3.2.3A, *Installation of Certain Roofing Materials*, and Section 3.2.7A, *Installation of Solar Panels*, are hereby adopted, ratified and promulgated pursuant to the powers granted to the NCC under the Highland Shores Declaration and shall hereinafter constitute an integral part of the NCC Design Guidelines.

BE IT FURTHER RESOLVED, that the Amendments to the NCC Design Guidelines attached hereto as Exhibit 1 and Exhibit 2 are effective upon publication in the Association's Newsletter.

**HIGHLAND SHORES OWNERS
ASSOCIATION, INC. -
NEW CONSTRUCTION COMMITTEE**

By


Mike Moreland, Chairman

NEW CONSTRUCTION COMMITTEE –
HIGHLAND SHORES OWNERS ASSOCIATION:

SECTION 3.2.3A OF THE DESIGN GUIDELINES -
INSTALLATION OF CERTAIN ROOFING MATERIALS

1. Roofing shingles covered by this Section 3.2.3A are exclusively those designed primarily to: (i) be wind and hail resistant; (ii) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (iii) provide solar generation capabilities (collectively, "*Roofing Shingles*").
2. Roofing Shingles allowed under these Guidelines shall:
 - a. resemble the shingles used or otherwise authorized for use in Highland Shores;
 - b. be more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use in Highland Shores; and
 - c. match the aesthetics of the property surrounding the property of the owner requesting permission to install the Roofing Shingles.
3. The owner requesting permission to install the Roofing Shingles will be solely responsible for accrediting, certifying and demonstrating to the New Construction Committee that the proposed installation is in full compliance with paragraphs 1 and 2 above.
4. Roofing Shingles shall be installed after receiving the written approval of the New Construction Committee.

These Design Guidelines are promulgated pursuant to and in accordance with Section 202.011 of the Texas Property Code.

Adopted by Highland Shores New Construction Committee
August 5, 2011

NEW CONSTRUCTION COMMITTEE –
HIGHLAND SHORES OWNERS ASSOCIATION:

SECTION 3.2.7A DESIGN GUIDELINES -
INSTALLATION OF SOLAR PANELS

1. Solar energy devices, including any related equipment or system components (collectively, “*Solar Panels*”) may only be installed after receiving the written approval of the New Construction Committee.
2. Solar Panels may not be installed upon or within common area or any area which is maintained by HSOA.
3. Solar Panels may only be installed on designated locations on the roof of a home, on any structure allowed under any HSOA dedicatory instrument, or within any fenced rear-yard or fence-in patio of the owner’s property.
4. If located on the roof of a home, Solar Panels shall not be located on the roof facing the street unless the owner demonstrates that the location proposed by the owner increases the estimated annual energy production of the Solar Panels, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the Solar Panels if located in an area on the roof requested by HSOA.
5. If located on the roof of a home, Solar Panels shall:
 - a. not extend higher than or beyond the roofline;
 - b. conform to the slope of the roof;
 - c. have a top edge that is parallel to the roofline; and
 - d. have a frame, support bracket, or visible piping or wiring that is in a silver, bronze, or black tone commonly available in the marketplace and the panels blend with the color of the roof to the greatest extent possible.
6. If located in the fenced rear-yard or patio, solar panels shall not be taller than the fence line.

7. The New Construction Committee may deny a request for the installation of Solar Panels if it determines, in writing, that the placement of the Solar Panels, as proposed by the property owner, constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The property owner may obtain the written approval of the proposed placement of the Solar Panels by all property owners of adjoining property. In this case, the New Construction Committee shall approve the installation should it meet all other requirements contained herein unless it determines that the placement substantially interferes with the use and enjoyment of land of persons other than adjoining landowners by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.
8. Any installation of Solar Panels which voids material warranties is not permitted and will be cause for the solar panels to be removed by the owner.
9. Solar Panels must be properly maintained at all times or removed by the owner.
10. Solar Panels which become non-functioning or inoperable must be removed by the owner of the property.
11. Solar Panels are prohibited if a Court determines that the installation thereof violates any law or threatens the public health or safety.

These Design Guidelines are promulgated pursuant to and in accordance with Section 202.010 of the Texas Property Code.

Adopted by Highland Shores New Construction Committee
August 5, 2011