

**ELECTRONICALLY RECORDED 20160009254  
01/13/2016 10:34:28 AM DEDICATION 1/2**

The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Dedicatory Instrument**

**HANDGUN POLICY**

**WHEREAS**, The Aviary Homeowners Association is a subdivision located in Dallas County, Texas:

**WHEREAS**, the Subdivision is governed by that certain Declaration of Covenants, Conditions and Restrictions for The Aviary Homeowners Association recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_ of the Official Public Records of Dallas County, Texas (the "Declaration");

**WHEREAS**, the Board of Directors (the "Board") of The Aviary Homeowners Association, Inc. desires to adopt this Policy to prohibit openly carried handguns on or in the Common Areas of the Subdivision;

**NOW, THEREFORE, IT IS RESOLVED**, in accordance with the Declaration, and to ensure the health, safety and welfare of the Owners and their guests, the Board hereby adopts this Policy to prohibit openly carried handguns on or in the Common Areas of the Subdivision:

1. Openly carried handguns shall be prohibited on or in all Common Areas within the Subdivision.
2. Pursuant to Section 30.07 of the Texas Penal Code, signs shall be posted in the Common Area containing the following language, which shall be written in both Spanish and English, and appear in contrasting colors with block letters at least one inch in height:
  - a. "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"

Any Members who are in violation of this Policy will be subject to disciplinary action. Non-compliance by a Owner may result in a fine or suspension of the use of the Common Areas.

All capitalized terms used but not defined herein shall have the meanings assigned to them in the Declaration.

[SIGNATURE PAGE FOLLOWS]

Handgun Policy

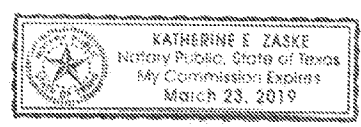
CPA  
Name: Chris Poyt  
Title: Board President  
Date: 12/22/2015

STATE OF TEXAS §  
COUNTY OF Dallas §

This instrument was acknowledged before me on the 22 day of Dec.,  
2015, by Chris Poyt, Board President of  
Pracy HA, a Texas non-profit corporation, on  
behalf of said corporation.

Katherine E. Zaske  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:  
\_\_\_\_\_  
\_\_\_\_\_  
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**Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
01/13/2016 10:34:28 AM  
\$30.00  
201600009254**



Handgun Policy

1/13/2016 10:34:28 AM

The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Dedicatory Instruments**

**Guidelines for Display of Flags, Rainwater Recovery Systems, Display of Certain Religious Items  
and Solar Energy Devices**

**WHEREAS**, Lots in The Aviary Homeowners Association, Inc. are subject to the Declaration of Covenants, Conditions & Restrictions for The Aviary Homeowners Association, Inc., recorded with County Clerk File Number 2001-0055208 in the Real Property Records, Collin County, Texas. **The Association wishes to adopt reasonable guidelines for Display of Flags, Rainwater Recovery Systems, Display of Certain Religious Items, Solar Energy Devices; and**

**WHEREAS**, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and

**WHEREAS**, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the attached guidelines for rainwater recovery systems have been established by the Board and are to be recorded with the Real Property Records.

2024-07-16 11:50:09 AM

THE AVIARY HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR DISPLAY OF FLAGS

STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF Collin

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WHEREAS The Aviary Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS chapter 202 of the Texas Property Code was amended effective June 17, 2011, to add Section 202.011 ("Section 202.011") thereto regarding the display of flags; and

WHEREAS, the Board of Directors ("Board") of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding the display of flags.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Flags* within the community.

20. These Guidelines apply to the display of ("Permitted Flags"):
  - a) the flag of the United States; and
  - b) the flag of the State of Texas; and
  - c) the official flag of any branch of the United States armed forces.
21. These Guidelines do not apply to any flags other than the Permitted Flags listed in section 1 above including, but not limited to:
  - a) flags for schools, sports teams, businesses or foreign countries; or
  - b) flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
  - c) historical versions of the flags permitted in section 1 above.
22. Permitted Flags may be displayed subject to these guidelines. Advance approval of the Architectural Control Committee ("ACC") is required for any free-standing flagpole associated with the display of Permitted Flags.
23. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
24. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
25. Permitted Flags may be up to three foot (3') by five foot (5') in size.
26. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall and up to twenty feet (20') tall.
27. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
28. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be

attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.

29. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the property between the main residential structure and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
30. Free-standing flagpoles may not be installed in any location described below:
  - a) in any location other than the Owner's property; or
  - b) within a ground utility easement or encroaching into an aerial easement; or
  - c) beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
  - d) beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
  - e) closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
31. Lighting may be installed to illuminate Permitted Flags if they are going to be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
  - a) be ground mounted in the vicinity of the flag; and
  - b) utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
  - c) points towards the flag and faces the main structure on the property or to the center of the property if there is no structure; and
  - d) provides illumination not to exceed the equivalent of a 60 watt incandescent bulb.
32. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.
33. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
34. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

The guidelines are effective upon recordation in the Public Records of *Collin* County, and supersede any guidelines for display of flags which may have previously been in effect. Except as affected by Section 202.007(d) and/or by these 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 the Board on this 16 day of September 2013.

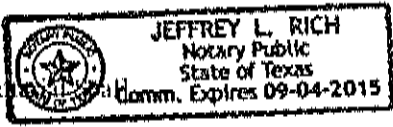
Chris Pyryt President

Name of Board Member  
Title  
The Aviary Homeowners Association, Inc.

STATE OF TEXAS §  
COUNTY OF Dallas §

Before me, the undersigned authority, on this day personally appeared Chris Pyryt, President (title), of The Aviary Homeowners Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 16 day of September, 2013.



Jeffrey L. Rich  
Notary Public, State of Texas

Jeffrey L. Rich  
Printed Name  
My commission expires: 9/4/15

**AFTER RECORDING RETURN TO:**  
*FirstService Residential*  
3102 Oak Lawn Avenue, Suite 202  
Dallas, Texas 75219

**THE AVIARY HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR RAINWATER RECOVERY SYSTEMS**

STATE OF TEXAS

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§

COUNTY OF Collin

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS The Aviary Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS chapter 202 of the Texas Property Code was amended effective September 1, 2011, to amend Section 202.007(d) ("Section 202.007") thereto dealing with rain barrels and rainwater harvesting systems (referred to collectively as "Rainwater Recovery Systems"); and

WHEREAS, the Board of Directors ("Board") of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation and maintenance of Rainwater Recovery Systems therein, it is appropriate for the Association to adopt guidelines regarding Rainwater Recovery Systems.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Rainwater Recovery Systems* within the community.

1. Rainwater Recovery Systems may be installed with advance approval of the Architectural Control Committee ("ACC") subject to these guidelines.
  2. All such Systems must be installed on land owned by the property owner. No portion of the System may encroach on adjacent properties or common areas.
  3. Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:
    - a. placement behind a solid fence, a structure or vegetation; or
    - b. by burying the tanks or barrels; or
    - c. by placing equipment in an outbuilding otherwise approved by the ACC.
  4. A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:
    - a. the barrel must not exceed 55 gallons; and
    - b. the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
    - c. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
    - d. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.
- 2) Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.
- 3) Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage

containers are not allowed, however, where space allows and where appropriate, ponds may be used for water storage.

- 4) Harvested water must be used and not allowed to become stagnant or a threat to health
- 5) All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed if they can be seen from any street or common area.

The guidelines are effective upon recordation in the Public Records of Collin County, and supersede any guidelines for rainwater recovery systems which may have previously been in effect. Except as affected by Section 202.007 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

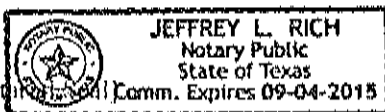
Approved and adopted by the Board on this 16 day of September 2013.

Chris Pyatt President  
 Name of Board Member  
 Title  
 The Aviary Homeowners Association, Inc.

STATE OF TEXAS §  
 COUNTY OF Collin §

Before me, the undersigned authority, on this day personally appeared Chris Pyatt President (title), of The Aviary Homeowners Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 16 day of September 2013.



Jeffrey L. Rich  
 Notary Public, State of Texas  
 Printed Name  
 My commission expires: 09/04/2015

**AFTER RECORDING RETURN TO:**  
 FirstService Residential  
 3102 Oak Lawn Avenue, Suite 202  
 Dallas, Texas 75219



THE AVIARY HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR DISPLAY OF CERTAIN RELIGIOUS ITEMS

STATE OF TEXAS                    §  
  §  
COUNTY OF Collin               §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS The Aviary Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS chapter 202 of the Texas Property Code was amended effective June 17, 2011, to add Section 202.018 ("Section 202.018") thereto dealing with the regulation of display of certain religious items; and

WHEREAS, the Board of Directors ("Board") of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of certain religious items therein, it is appropriate for the Association to adopt guidelines regarding the display of certain religious items within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Certain Religious Items* within the community.

5. A property owner or resident may display or attach one or more religious items to the entry to their dwelling. Such items include anything related to any faith that is motivated by the resident's sincere religious belief or tradition.
6. Individually or in combination with each other, the items at any entry may not exceed 25 square inches total in size.
7. The items may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
8. To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
  - a. threaten public health or safety; or
  - b. violate any law; or
  - c. contain language, graphics or any display that is patently offensive to a passerby.
9. Approval from the Architectural Control Committee ("ACC") is not required for displaying religious items in compliance with these guidelines.
10. As provided by Section 202.018, the Association may remove any items displayed in violation of these guidelines.

The guidelines are effective upon recordation in the Public Records of Collin County, and supersede any guidelines for certain religious items which may have previously been in effect. Except as affected by Section 202.018 and/or by these 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 the Board on this 16 day of September 2013.

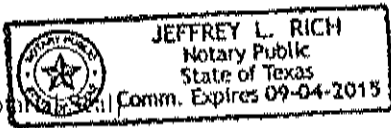
Chris Ryst President  
Name of Board Member  
Title  
The Aviary Homeowners Association, Inc.

STATE OF TEXAS §

COUNTY OF Collin §

Before me, the undersigned authority, on this day personally appeared Chris Pyatt, President (title), of The Aviary Homeowners Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 16 day of September, 2013.



[Signature]  
Notary Public, State of Texas

Chris Pyatt  
Printed Name  
My commission expires: 9/4/15

**AFTER RECORDING RETURN TO:**  
FirstService Residential  
3102 Oak Lawn Avenue, Suite 202  
Dallas, Texas 75219

THE AVIARY HOMEOWNERS ASSOCIATION, INC.  
GUIDELINES FOR SOLAR ENERGY DEVICES

STATE OF TEXAS

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§

COUNTY OF Collin

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS The Aviary Homeowners Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS chapter 202 of the Texas Property Code was amended effective June 17, 2011, to add Section 202.010 ("Section 202.010") thereto dealing with the regulation of solar energy devices; and

WHEREAS, the Board of Directors ("Board") of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding solar energy devices therein, it is appropriate for the Association to adopt guidelines regarding solar energy devices within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Solar Energy Devices* within the community.

11. These guidelines apply to solar energy devices ("Devices") as defined in Section 171.107(a) of the Texas Tax Code. 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.
12. Such Devices may be installed with advance approval of the Architectural Control Committee ("ACC") subject to these guidelines.
13. Any such Device must be installed on land or structures owned by the property owner. No portion of the Device may encroach on adjacent properties or common areas.
14. Such Devices may only be installed in the following locations:
  - a. on the roof of the main residential dwelling; or
  - b. on the roof of any other approved structure; or
  - c. within a fenced yard or patio.
15. For Devices mounted on a roof, the Device must:
  - a. have no portion of the Device higher than the roof section to which it is attached; and
  - b. have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
  - c. conform to the slope of the roof; and
  - d. be aligned so that the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
  - e. have a frame, brackets, and visible piping or wiring that is a color that matches 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 which does not reduce estimated annual energy production more than ten percent (10%), as determined by a publicly available modeling tool provided by the National

Renewable Energy Laboratory ([www.nrel.gov](http://www.nrel.gov)) or equivalent entity over alternative roof locations.

16. For Devices located in a fenced yard or patio, no portion of the Device may extend above the fence. If the fence is not a solid fence which blocks view of the Device, the ACC may require the Device be placed in a location behind a structure or otherwise require visual screening. The ACC may consider installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.
17. All Devices 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. Permits must be obtained where required by law.
18. Installed Devices may not:
  - a. threaten public health or safety; or
  - b. violate any law; or
  - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner of ordinary sensibilities.
19. All Devices must be maintained in good repair. Unused or inoperable Devices must be removed if they can be seen from any street or common area.

The guidelines are effective upon recordation in the Public Records of Collin County, and supersede any guidelines for solar energy devices which may have previously been in effect. Except as affected by Section 202.010 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

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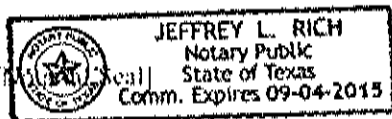
Approved and adopted by the Board on this 16 day of September 2013.

Chris Ryzt President  
Name of Board Member  
Title  
The Aviary Homeowners Association, Inc.

STATE OF TEXAS §  
COUNTY OF Collin §

Before me, the undersigned authority, on this day personally appeared Chris Ryzt President (title), of The Aviary Homeowners Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 16 day of September, 2013.



Jeffrey L. Rich  
Notary Public, State of Texas  
Printed Name  
My commission expires: 9/4/15

AFTER RECORDING RETURN TO:  
FirstService Residential  
3102 Oak Lawn Avenue, Suite 202  
Dallas, Texas 75219

Filed and Recorded  
Official Public Records  
Stacey Koss County Clerk  
Collin County TEXAS  
01/16/2014 11:50:00 AM  
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20140116000046860



Stacey Koss



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**The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Dedicatory Instruments**

**Alternative Payment Schedule Guidelines for Certain Assessments**

**WHEREAS, The Aviary Homeowners Association, Inc. (the "Association") is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document Number - 2001-M173; Document Number - 2001-M476. Lots in The Aviary are subject to the Declaration of Covenants, Conditions & Restrictions for The Aviary Homeowners Association, recorded as Document Number 2001-0055208 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines to establish an alternative payment schedule by which an owner may make partial payments to the Association for delinquent regular or special assessments or any other amount owed to the Association; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**

**NOW, THEREFORE, IT IS RESOLVED that the attached guidelines have been established by the Board and are to be recorded with the Real Property Records.**

The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

Alternative Payment Schedule Guidelines for Certain Assessments

**WHEREAS**, the Board of Directors (the "Board") of The Aviary Homeowners Association, Inc. (the "Association") wishes to adopt reasonable guidelines to establish an alternative payment schedule by which an owner may make partial payments to the Association for delinquent regular or special assessments or any other amount owed to the Association; and

**WHEREAS**, the Board wishes to adopt these reasonable guidelines in compliance with Section 209.0062 of the Texas Property Code; and

**WHEREAS**, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the following guidelines are established by the Board:

- I. Upon the request of a delinquent owner, the Association shall enter into an alternative payment schedule with such owner, subject to the following guidelines:
  - a. An Alternative Payment Schedule is only available to owners who have delinquent regular assessments, special assessments or any other amount owed to the association.
  - b. An Alternative Payment Schedule will not be made available, except in the sole discretion of the Board, to owners who have failed to honor the terms of a previous Alternative Payment Schedule during the two years following the owner's default of such Alternative Payment Schedule.
  - c. During the course of an Alternative Payment Schedule, additional monetary penalties, other than reasonable costs associated with administering the Alternative Payment Schedule and interest, shall not be charged against an owner.
  - d. The minimum term for an Alternative Payment Schedule is three months from the date of the owner's request for an Alternative Payment Schedule. The maximum term for an Alternative Payment Schedule is eighteen months from the date of the owner's request for an Alternative Payment Schedule.
  - e. All other terms of an Alternative Payment Schedule are at the discretion of the Board of Directors.

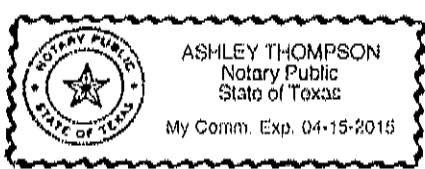
This is to certify that the foregoing Alternative Payment Schedule Guidelines for Certain Assessments was adopted by the Board of Directors, in accordance with Section 209.0062 of the Texas Property Code.

Name: Rocio Ekboorn  
Title: President  
Date: 11/15/2011

STATE OF TEXAS  
COUNTY OF Collin

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This instrument was acknowledged before me on the 15th day of Nov, 2011, by Rocio, President of Amigos HOA Inc, a Texas non-profit corporation, on behalf of said corporation.



Ashley Thompson  
Notary Public, State of Texas

*AFTER RECORDING RETURN TO:*  
  
*Premier Communities*  
*3102 Oak Lawn Avenue, Suite 202*  
*Dallas, Texas 75219*

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
12/14/2011 11:12:10 AM  
\$24.00 C/JAMAL  
20111214001347120



Stacey Kemp





**The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Dedicatory Instruments**

**Policy for Priority of Payments**

**WHEREAS, The Aviary Homeowners Association, Inc. (the "Association") is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document Number - 2001-M173; Document Number - 2001-M476. Lots in The Aviary are subject to the Declaration of Covenants, Conditions & Restrictions for The Aviary Homeowners Association, recorded as Document Number 2001-0055208 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines for priority of payments for the Association for delinquent regular or special assessments or any other amount owed to the Association; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**

**NOW, THEREFORE, IT IS RESOLVED that the attached priority of payment policy has been established by the Board and is to be recorded with the Real Property Records.**

The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Policy for Priority of Payments**

**WHEREAS**, the Board of Directors (the "Board") of The Aviary Homeowners Association, Inc. (the "Association") wishes to establish a Policy for Priority of Payments which shall govern the method in which payments received by the Association from owners are applied; and

**WHEREAS**, the Board wishes to adopt this policy in compliance with Section 209.0063 of the Texas Property Code; and

**WHEREAS**, the Board intends to file this policy in the real property records of each county in which the subdivision is located, in compliance with Sections 209.0063 and 202.006 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the following Policy for Priority of Payments is established by the Board:

- A. Except as provided by Section (B), a payment received by the Association from an owner shall be applied to the owner's debt in the following order of priority:
  1. any delinquent assessment;
  2. any current assessment;
  3. 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;
  4. any attorney's fees incurred by the association that are not subject to Subsection (3) above;
  5. any fines assessed by the Association;
  6. any other amount owed to the Association.
- B. If, at the time the Association receives a payment from an owner and the owner is in default under an Alternative Payment Schedule entered into with the Association, the Association is not required to apply the payment in the order of priority outlined in Section (A), in accordance with Section 209.0063 of the Texas Property Code. Instead, in the event that an owner is in default under an Alternative Payment Schedule at the time the Association receives a payment from the property owner, then the payment received by the Association from an owner shall be applied to the

owner's debt in the following order of priority:

1. 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;
2. any attorney's fees incurred by the association that are not subject to the immediately previous Subsection (1);
3. any delinquent assessment;
4. any current assessment;
5. any other amount owed to the Association.
6. any fines assessed by the Association.

This policy shall supersede and render null and void any previously adopted priority of payment/payment plan policy to the extent that the terms of such policy are contradictory.

This is to certify that the foregoing Policy for Priority of Payments was adopted by the Board of Directors, in accordance with Section 209.0063 of the Texas Property Code.

Name: Reoia Ebbel  
Title: President  
Date: 11/15/2011

STATE OF TEXAS

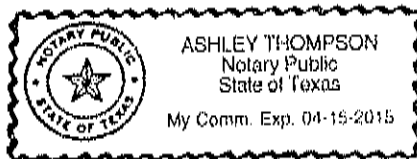
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COUNTY OF Cotton

This instrument was acknowledged before me on the 15th day of Nov,  
2011, by Reoia, President of  
Aviam HOA Inc, a Texas non-profit corporation, on  
behalf of said corporation.

A. Thompson  
Notary Public, State of Texas

*AFTER RECORDING RETURN TO:*  
*Premier Communities*  
*3102 Oak Lawn Avenue, Suite 202*  
*Dallas, Texas 75219*



Priority of Payments Policy

Filed and Recorded  
Original Public Records  
Stacey Kemp County Clerk  
Collin County, TEXAS  
12/14/2011 11:42:11 AM  
\$28.00 CJRML  
20111214001347130



A handwritten signature in cursive script that reads "Stacey Kemp".



20111214001347140 12/14/2011 11:12:12 AM MA 1/8

**The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Dedictory Instruments**

**Policy for Records Production and Copying**

**WHEREAS, The Aviary Homeowners Association, Inc. (the "Association") is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document Number - 2001-M173; Document Number - 2001-M476. Lots in The Aviary are subject to the Declaration of Covenants, Conditions & Restrictions for The Aviary Homeowners Association, recorded as Document Number 2001-0055208 in the Real Property Records, Collin County, Texas. The Association wishes to adopt reasonable guidelines for records production and copying for the Association; and**

**WHEREAS, the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and**

**WHEREAS, the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and**

**NOW, THEREFORE, IT IS RESOLVED that the attached records production and copying policy has been established by the Board and is to be recorded with the Real Property Records.**

The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Records Production and Copying Policy**

WHEREAS, the Board of Directors (the "Board") of The Aviary Homeowners Association, Inc. (the "Association") wishes to establish a Records Production and Copying Policy which shall govern the costs the Association will charge for the compilation, production, and reproduction of information requested under Section 209.005 of the Texas Property Code; and

WHEREAS, the Board wishes to adopt this policy in compliance with Section 209.005 of the Texas Property Code; and

WHEREAS, the Board intends to file this policy in the real property records of each county in which the subdivision is located, in compliance with Sections 209.005 and 202.006 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the following Records Production and Copying Policy is established by the Board:

- A. An owner is responsible for costs related to the compilation, production, and reproduction of the books and records of the Association. Costs shall be the same as all costs under T.A.C. Section 70.3, the pertinent part of which is reproduced in italics below, and are subject to increase in the event T.A.C. Section 70.3 is amended:

*1. Copy charge.*

*(A) Standard paper copy. The charge for standard paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a page.*

*(B) Nonstandard copy. The charges in this subsection are to cover the materials onto which information is copied and do not reflect any additional charges, including labor, that may be associated with a particular request. The charges for nonstandard copies are:*

- *Diskette--\$1.00;*
- *Magnetic tape--actual cost;*
- *Data cartridge--actual cost;*
- *Tape cartridge--actual cost;*
- *Rewritable CD (CD-RW)--\$1.00;*

- Non-rewritable CD (CD-R)--\$1.00;
- Digital video disc (DVD)--\$3.00;
- JAZ drive--actual cost;
- Other electronic media--actual cost;
- VHS video cassette--\$2.50;
- Audio cassette--\$1.00;
- Oversize paper copy (e.g.: 11 inches by 17 inches greenbar, bluebar, not including maps and photographs using specialty paper--See also §70.9 of this title)--\$.50;
- Specialty paper (e.g.: Mylar, blueprint, blueline, map, photographic--actual cost.

2. *Labor charge for programming. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the governmental body may charge for the programmer's time.*

*(A) The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.*

*(B) Governmental bodies that do not have in-house programming capabilities shall comply with requests in accordance with §552.231 of the Texas Government Code.*

*(C) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of §552.261(b) of the Texas Government Code.*

3. *Labor charge for locating, compiling, manipulating data, and reproducing public information.*

*(A) The charge for labor costs incurred in processing a request for public information is \$15 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.*

*(B) A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in:*

*(i) Two or more separate buildings that are not physically connected with each other; or*

*(ii) A remote storage facility.*

*(C) A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:*

*(i) To determine whether the governmental body will raise any exceptions to disclosure of the requested information under the Texas Government Code, Subchapter C, Chapter 552; or*

*(ii) To research or prepare a request for a ruling by the attorney general's office pursuant to §552.301 of the Texas Government Code.*

*(D) When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).*

*(E) If the charge for providing a copy of public information includes costs of labor, a governmental body shall comply with the requirements of Texas Government Code, Chapter 552, §552.261(b).*

*(F) For purposes of paragraph (2)(A) of this subsection, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.*

#### *4. Overhead charge.*

*(A) Whenever any labor charge is applicable to a request, a governmental body may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If a governmental body chooses to recover such costs, a charge shall be made in accordance with the methodology described in paragraph(3) of this subsection. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.*



*(B) An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Texas Government Code, §552.261(a)(1) or (2).*

*(C) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request. Example: if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing,  $\$15.00 \times .20 = \$3.00$ ; or Programming labor charge,  $\$28.50 \times .20 = \$5.70$ . If a request requires one hour of labor charge for locating, compiling, and reproducing information ( $\$15.00$  per hour); and one hour of programming labor charge ( $\$28.50$  per hour), the combined overhead would be:  $\$15.00 + \$28.50 = \$43.50 \times .20 = \$8.70$ .*

5. *Microfiche and microfilm charge.*

*(A) If a governmental body already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the microfiche or microfilm can be released in its entirety, the governmental body should make a copy of the microfiche or microfilm. The charge for a copy shall not exceed the cost of its reproduction. The Texas State Library and Archives Commission has the capacity to reproduce microfiche and microfilm for governmental bodies. Governmental bodies that do not have in-house capability to reproduce microfiche or microfilm are encouraged to contact the Texas State Library before having the reproduction made commercially.*

*(B) If only a master copy of information in microfilm is maintained, the charge is \$.10 per page for standard size paper copies, plus any applicable labor and overhead charge for more than 50 copies.*

6. *Remote document retrieval charge.*

*(A) Due to limited on-site capacity of storage documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by governmental bodies to store current records on-site. State agencies are encouraged to store inactive or non-current records with the Texas State Library and Archives Commission. To the extent that the retrieval of documents results in a charge to comply*

*with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.*

*(B) If a governmental body has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the governmental body, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed according to subsection (d)(1) of this section.*

#### **7. Computer resource charge.**

*(A) The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.*

*(B) These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.*

*(C) The charges in this subsection are averages based on a survey of governmental bodies with a broad range of computer capabilities. Each governmental body using this cost recovery charge shall determine which category(ies) of computer system(s) used to fulfill the public information request most closely fits its existing system(s), and set its charge accordingly. Type of System--Rate: mainframe--\$10 per CPU minute; Midsize--\$1.50 per CPU minute; Client/Server--\$2.20 per clock hour; PC or LAN--\$1.00 per clock hour.*

*(D) The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular*

*request, the appropriate charge that may be recovered for programming time is set forth in subsection (d) of this section. No charge should be made for computer print-out time. Example: If a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows:  $\$10 / 3 = \$3.33$ ; or  $\$10 / 60 \times 20 = \$3.33$ .*

*(E) A governmental body that does not have in-house computer capabilities shall comply with requests in accordance with the §552.231 of the Texas Government Code.*

- 8. Miscellaneous supplies. The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.*
- 9. Postal and shipping charges. Governmental bodies may add any related postal or shipping expenses which are necessary to transmit the reproduced information to the requesting party.*
- 10. Sales tax. Pursuant to Office of the Comptroller of Public Accounts' rules sales tax shall not be added on charges for public information (34 TAC, Part 1, Chapter 3, Subchapter C, §3.341 and §3.342).*
- 11. Miscellaneous charges: A governmental body that accepts payment by credit card for copies of public information and that is charged a "transaction fee" by the credit card company may recover that fee.*

- B. Any requesting owner must provide advance payment of the costs of compilation, production, and reproduction for the requested information, as estimated by the Association. If the estimated costs are lesser or greater than the actual costs, the Association shall submit a final invoice to the owner on or before the 30<sup>th</sup> 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 30<sup>th</sup> 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 exceed the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30<sup>th</sup> business day after the date the invoice is sent to the owner.

This policy shall supersede and render null and void any previously adopted policy to the extent that the terms of such policy are contradictory.

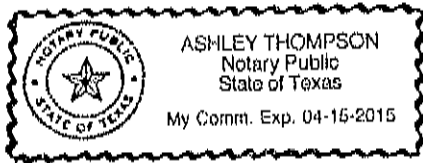
This is to certify that the foregoing Records Production and Copying Policy was adopted by the Board of Directors, in accordance with Section 209.005 of the Texas Property Code.

Name: Rocio Exbal  
Title: President  
Date: 11/15/2011

STATE OF TEXAS  
COUNTY OF Collin

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This instrument was acknowledged before me on the 15<sup>th</sup> day of Nov, 2011, by Rocio, President of Avam Home Inc, a Texas non-profit corporation, on behalf of said corporation.



A Thompson  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

*Premier Communities Management  
3102 Oak Lawn Avenue, Suite 202  
Dallas, TX 75219*

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
12/14/2011 11:12:12 AM  
\$44.00 CLERK  
20111214001347140



Stacey Kemp



20111214001347150 12/14/2011 11:12:13 AM MA 1/3

**The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219**

**Dedicatory Instruments**

**Policy for Document Retention**

**WHEREAS, The Aviary Homeowners Association, Inc.** (the "Association") is an addition in Collin County, Texas. The final plats were recorded in the Real Property Records of Collin County, Texas as; Document Number - 2001-M173; Document Number - 2001-M476. Lots in The Aviary are subject to the Declaration of Covenants, Conditions & Restrictions for The Aviary Homeowners Association, recorded as Document Number 2001-0055208 in the Real Property Records, Collin County, Texas. **The Association wishes to adopt reasonable guidelines for document retention for the Association; and**

**WHEREAS,** the Board wishes to update and adopt these reasonable guidelines to be in compliance with Section 209.0062 of the Texas Property Code; and

**WHEREAS,** the Board intends to file these guidelines in the real property records of each county in which the subdivision is located, in compliance with Section 209.0062 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the attached document retention policy has been established by the Board and is to be recorded with the Real Property Records.

The Aviary Homeowners Association, Inc.  
3102 Oak Lawn, Suite 202  
Dallas, TX 75219

**Document Retention Policy**

**WHEREAS**, the Board of Directors (the "Board") of The Aviary Homeowners Association, Inc. (the "Association") wishes to adopt a Document Retention Policy in order to be compliant with Section 209.005(m) of the Texas Property Code; and

**WHEREAS**, the Board intends to file this policy in the real property records of each county in which the subdivision is located, in compliance with Sections 209.005 and 202.006 of the Texas Property Code; and

**NOW, THEREFORE, IT IS RESOLVED** that the following Document Retention Policy is established by the Board:

1. Certificates of formation, bylaws, restrictive covenants, and all amendments to the certificates of formation, bylaws, and covenants shall be retained permanently.
2. Financial books and records shall be retained for seven years.
3. Account records of current owners shall be retained for five years.
4. Contracts with a term of one year or more shall be retained for four years after the expiration of the contract term.
5. Minutes of meetings of the owners and the board shall be retained for seven years.
6. Tax returns and audit records shall be retained for seven years.

This policy shall supersede and render null and void any previously adopted policy to the extent that the terms of such policy are contradictory.

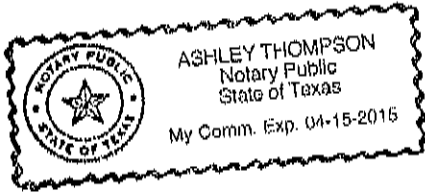
[signature page to follow]

This is to certify that the foregoing Document Retention Policy was adopted by the Board of Directors, in accordance with Section 209.005 of the Texas Property Code.

Name: Kevin Eckert  
Title: President  
Date: 11/15/2011

STATE OF TEXAS §  
COUNTY OF Collin §

This instrument was acknowledged before me on the 15th day of Nov. 2011, by Kevin, President of Ashara HOA inc, a Texas non-profit corporation, on behalf of said corporation.



Ashley Thompson  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

*Premier Communities Management  
3102 Oak Lawn Avenue, Suite 202  
Dallas, TX 75219*

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
12/14/2011 11:12:13 AM  
\$24.00 C/JANAL  
20111214001347150



Stacey Kemp