

Kaufman County  
Laura Hughes  
County Clerk

Instrument Number: 2013-0021844

MISCELLANEOUS

Party: WINDMILL FARMS ASSOCIATION

Billable Pages: 30  
Number of Pages: 31

FILED AND RECORDED – REAL RECORDS	CLERKS COMMENTS
<p><b>On:</b> 12/03/2013 at 09:49 AM</p> <p><b>Document Number:</b> <u>2013-0021844</u></p> <p><b>Receipt No:</b> <u>13-22686</u></p> <p><b>Amount:</b> \$ <u>132.00</u></p> <p><b>Vol/Pg:</b> <u>V:4473 P:146</u></p>	<p>E-RECORDING</p>



STATE OF TEXAS  
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Kaufman County, Texas.

*Laura A. Hughes*

Laura Hughes, County Clerk

Recorded By: Cynthia Ramirez, Deputy

**ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.**

**Record and Return To:**

HENRY ODDO AUSTIN & FLETCHER  
1700 PACIFIC AVENUE  
DALLAS, TX 75201



**AFTER RECORDING, PLEASE RETURN TO:**

**Judd A. Austin, Jr.  
Henry Oddo Austin & Fletcher, P.C.  
1700 Pacific Avenue  
Suite 2700  
Dallas, Texas 75201**

**SECOND CERTIFICATE AND MEMORANDUM  
OF RECORDING OF DEDICATORY INSTRUMENTS FOR  
WINDMILL FARMS ASSOCIATION PHASE 1, INC.**

STATE OF TEXAS           §  
  §  
COUNTY OF KAUFMAN   §

The undersigned, as attorney for Windmill Farms Association Phase 1, Inc., for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instruments affecting the owners of property described on Exhibit B attached hereto (collectively, the “*Property*”), hereby states that the dedicatory instruments attached hereto are true and correct copies of the following:

- (1) ***Architectural Guidelines for the Installation of Flagpoles and the Display of Flags (Exhibit A-1);***
- (2) ***Architectural Guidelines for the Installation of Rain Barrels or Rain Water Harvesting Systems (Exhibit A-2);***
- (3) ***Architectural Guidelines for the Display of Certain Religious Items (Exhibit A-3);***
- (4) ***Architectural Guidelines for the Installation of Solar Panels (Exhibit A-4);***

- (5) ***Architectural Guidelines for the Installation of Certain Roofing Materials (Exhibit A-5);***
- (6) ***Inspection and Copying of Books and Records Policy (Exhibit A-6);***
- (7) ***Document Retention Policy (Exhibit A-7);***
- (8) ***Payment Plan and Payment Application Policy (Exhibit A-8);***  
**and**
- (9) ***Architectural Guidelines for Drought Resistant Landscaping (Exhibit A-9).***

All persons or entities holding an interest in and to any portion of Property are subject to the foregoing dedicatory instruments until amended.

**IN WITNESS WHEREOF**, Windmill Farms Association Phase 1, Inc. has caused this Second Certificate and Memorandum of Recording of Dedicatory Instruments to be recorded in the Official Public Records of Kaufman County, Texas and supplements that certain First Certificate and Memorandum of Recording of Association Documents filed on October 1, 2008, as Instrument No. 2008-00019070 in the Official Public Records of Kaufman County, Texas.

**WINDMILL FARMS  
ASSOCIATION PHASE 1, INC.**


By: \_\_\_\_\_

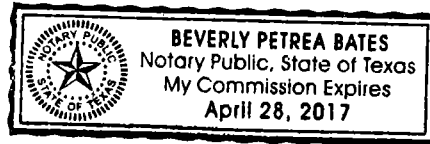
Its: Attorney

STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS       §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Vinay B. Patel, attorney for Windmill Farms Association Phase 1, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this the 2<sup>nd</sup> day of December, 2013.

  
Notary Public, State of Texas



## EXHIBIT A-1

### WINDMILL FARMS ASSOCIATION PHASE 1, INC.

#### ARCHITECTURAL GUIDELINES FOR THE INSTALLATION OF FLAGPOLES AND THE DISPLAY OF FLAGS

(As provided in Chapter 202.012 of the Texas Property Code)

1. The only flags which may be displayed are: (i) the flag of the United States of America; (ii) the flag of the State of Texas; and (iii) an official or replica flag of any branch of the United States armed forces.
2. The flag of the United States must be displayed in accordance with 4 U.S.C. Sections 5-10.
3. The flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code.
4. Any freestanding flagpole, or flagpole attached to a dwelling, shall be constructed of permanent, long-lasting materials. The materials used for the flag pole shall be harmonious with the dwelling and have a finish appropriate to the materials used in the construction of the flagpole.
5. The display of a flag, or the location and construction of the supporting flagpole, shall comply with applicable zoning ordinances, easements, and setbacks of record.
6. A displayed flag, and the flagpole on which it is flown, shall be maintained in good condition at all times. Any flag that is deteriorated must be replaced or removed. Any flagpole that is structurally unsafe or deteriorated shall be repaired, replaced, or removed.
7. Only one flagpole will be allowed per Lot. A flagpole can either be securely attached to the face of the dwelling (no other structure) or be a freestanding flagpole. A flagpole attached to the dwelling may not exceed 6 feet in length. A freestanding flagpole may not exceed 20 feet in height, subject to applicable zoning ordinances, easements, setbacks of records, and may be located in the front yard of the Lot.
8. Any flag flown or displayed on a freestanding flagpole may be no smaller than 3'x5' and no larger than 4'x6'.
9. Any flag flown or displayed on a flagpole attached to the dwelling may be no larger than 3'x5'.

10. A "front yard" is defined as "a yard within a Lot having a front building setback line within a setback of not less than 15 feet extending the full width of the Lot between the front lot line and the front building setback line." Any Owner who has front yard and who otherwise complies with the permitted regulations may, subject to Architectural Control Committee ("ACC") approval, install a flagpole in accordance with these Guidelines.
11. Any freestanding flagpole must be equipped to minimize halyard noise. The preferred method is through the use of an internal halyard system. Alternatively, swivel snap hooks must be covered or "Quiet Halyard" Flag snaps installed. Neighbor complaints of noisy halyards are a basis to have flag removed until Owner resolves the noise complaint.
12. The illumination of a flag is allowed so long as it does not create a disturbance to other residents in the community. Solar powered, pole mounted light fixtures are preferred as opposed to ground mounted light fixtures. Compliance with all municipal requirements for electrical ground mounted installations must be certified by Owner. Flag illumination may not shine into another dwelling. Neighbor complaints regarding flag illumination are a basis to prohibit further illumination until Owner resolves complaint.
13. Flagpoles shall not be installed in Common Area or property maintained by Windmill Farms Association Phase 1, Inc.
14. All flagpole installations must receive prior written approval from the ACC.


These Architectural Guidelines are promulgated pursuant to and in accordance with Section 202.0012 of the Texas Property Code addressing Flag Displays.

Notice and Recording. Upon recording these Architectural Guidelines with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

IT IS RESOLVED that these Architectural Guidelines are effective as of September 1, 2011, being the effective date of Section 202.011, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Architectural Guidelines shall be filed of record in the Official Public Records of Kaufman County, Texas.

Date: 11/20/13

**WINDMILL FARMS ASSOCIATION PHASE 1, INC.**

 President

## EXHIBIT A-2

### WINDMILL FARMS ASSOCIATION PHASE 1, INC.

#### ARCHITECTURAL GUIDELINES FOR THE INSTALLATION OF RAIN BARRELS OR RAIN WATER HARVESTING SYSTEMS

(As provided in Section 202.007 of the Texas Property Code)

1. Rain barrels or rain water harvesting systems and related system components (collectively, "*Rain Barrels*") may only be installed after receiving the written approval of Architectural Control Committee ("*ACC*").
2. Rain Barrels may not be installed upon or within common area owned or maintained by Windmill Farms Association Phase 1, Inc. (the "*Association*").
3. Under no circumstances shall Rain Barrels be installed or located in or on any area within a Lot that is in-between the front of the Owner's home and an adjoining or adjacent street.
4. The Rain Barrel must be of color that is consistent with the color scheme of the Owner's home and may not contain or display any language or other content that is not typically displayed on such Rain Barrels as manufactured.
5. Rain Barrels may be located in the side-yard or back-yard of an Owner's property so long as these may not be seen from a street, another Lot or any common area of the Association.
6. In the event the installation of Rain Barrels in the side-yard or back-yard of an Owner's property in compliance with paragraph 5 above is impossible, the ACC may impose limitations or further requirements regarding the size, number and screening of Rain Barrels with the objective of screening the Rain Barrels from public view to the greatest extent possible.
7. Rain Barrels must be properly maintained at all times or removed by the Owner.
8. Rain Barrels must be enclosed or covered.
9. Rain Barrels which are not properly maintained, become unsightly or could serve as a breeding pool for mosquitoes must be removed by the Owner from the Lot.

These Architectural Guidelines are promulgated pursuant to and in accordance with Section 202.007 of the Texas Property Code.

Notice and Recording. Upon recording these Architectural Guidelines with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

IT IS RESOLVED that these Architectural Guidelines are effective as of September 1, 2011, being the effective date of Section 202.007, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Architectural Guidelines shall be filed of record in the Official Public Records of Kaufman County, Texas.

Date: 11/20/13

**WINDMILL FARMS ASSOCIATION  
PHASE 1, INC.**

 \_\_\_\_\_, President



## EXHIBIT A-3

### WINDMILL FARMS ASSOCIATION PHASE 1, INC.

#### ARCHITECTURAL GUIDELINES FOR THE DISPLAY OF CERTAIN RELIGIOUS ITEMS (As provided in Chapter 202 of the Texas Property Code)

- (1) An Owner may display or affix on the entry to the Owner's or resident's dwelling one or more religious items the display of which is motivated by the Owner's or resident's sincere religious belief.
- (2) If displaying or affixing of a religious item on the entry to the Owner's or resident's dwelling violates any of the following covenants, the Windmill Farms Association Phase 1, Inc. (the "*Association*") may remove the item displayed –
  - (a) threatens the public health or safety;
  - (b) violates a law;
  - (c) contains language, graphics, or any display that is patently offensive to a passerby;
  - (d) is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling; or
  - (e) individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches.
- (3) No Owner or resident is authorized to use a material or color for an entry door or door frame of the Owner's or resident's dwelling or make an alteration to the entry door or door frame that is not authorized by the restrictive covenants or otherwise expressly approved by the Association.

These Architectural Guidelines are promulgated pursuant to and in accordance with Section 202.018 of the Texas Property Code addressing the Regulation of Display of Certain Religious Items.

Notice and Recording. Upon recording these Architectural Guidelines with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

IT IS RESOLVED that these Architectural Guidelines are effective as of September 1, 2011, being the effective date of Section 202.011, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Architectural Guidelines shall be filed of record in the Official Public Records of Kaufman County, Texas.

Date: 11/20/13

WINDMILL FARMS ASSOCIATION PHASE 1, INC.

Steven Howard, President

## EXHIBIT A-4

### WINDMILL FARMS ASSOCIATION PHASE 1, INC.

#### ARCHITECTURAL GUIDELINES FOR THE INSTALLATION OF SOLAR PANELS

(As provided in Chapter 202 of the Texas Property Code)

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 Architectural Control Committee ("*ACC*").
2. Solar Panels may not be installed upon or within common area or any area which is maintained by Windmill Farms Association Phase 1, Inc. ("*Association*").
3. Solar Panels may only be installed on designated locations on the roof of a home, on any structure allowed under any Association 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 be located on the roof facing the rear of the home and shall not be visible from the street facing the home 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 the Association.
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 blends 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 ACC, may deny a request for the installation of Solar Panels if it determines, and such determination is reduced to writing, that the placement of the Solar Panels as proposed by the 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 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 ACC 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.

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 Architectural Guidelines are promulgated pursuant to and in accordance with Chapter 202 of the Texas Property Code addressing the Regulation of Solar Energy Devices.

Notice and Recording. Upon recording these Architectural Guidelines with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

IT IS RESOLVED that these Architectural Guidelines are effective as of September 1, 2011, being the effective date of Section 202.011, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Architectural Guidelines shall be filed of record in the Official Public Records of Kaufman County, Texas.

Date: 11/20/13

**WINDMILL FARMS ASSOCIATION  
PHASE 1, INC.**

 President

## EXHIBIT A-5

### WINDMILL FARMS ASSOCIATION PHASE 1, INC.

#### ARCHITECTURAL GUIDELINES FOR THE INSTALLATION OF CERTAIN ROOFING MATERIALS (As provided in Chapter 202 of the Texas Property Code)

1. Roofing shingles covered by these Architectural Guidelines 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 Architectural Guidelines shall:
  - a. resemble the shingles used or otherwise authorized for use in the Windmill Farms Association Phase 1, Inc.;
  - b. be more durable than and are of equal or superior quality to the shingles used or otherwise authorized for use in the Windmill Farms Association Phase 1, Inc. (the "*Association*"); 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 Architectural Control Committee ("*ACC*") that the proposed installation is in full compliance with paragraphs 1 and 2 above.
4. Roofing Shingles shall only be installed after receiving the written approval of the ACC.

These Architectural Guidelines are promulgated pursuant to and in accordance with Section 202.011 of the Texas Property Code addressing the Regulation of Certain Roofing Materials.

Notice and Recording. Upon recording these Architectural Guidelines with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

IT IS RESOLVED that these Architectural Guidelines are effective as of September 1, 2011, being the effective date of Section 202.011, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Architectural Guidelines shall be filed of record in the Official Public Records of Kaufman County, Texas.

Date: 11/20/13

WINDMILL FARMS ASSOCIATION PHASE 1, INC.

Steve Howard, President

## EXHIBIT A-6

### WINDMILL FARMS ASSOCIATION PHASE 1, INC.

#### INSPECTION AND COPYING OF BOOKS AND RECORDS POLICY

**WHEREAS** Windmill Farms Association Phase 1, Inc. (the "*Association*") keeps correct and complete books and records of account and minutes of the proceedings of its members and Board of Directors (collectively, the "*Association Records*"); and,

**WHEREAS** the members of the Association shall have the right, during reasonable business hours, to inspect and obtain copies of the Association Records; and,

**WHEREAS** it is desirable to impose certain reasonable restrictions on the process of book and record inspecting and copying Association Records;

**NOW THEREFORE BE IT RESOLVED** that the following requirements are hereby established for the inspection and copying of Association Records:

1. An Owner, or a person designated in writing by the owner as the Owner's agent, attorney or certified public accountant may make a request to inspect or obtain copies of Association Records.
2. A request to inspect Association Records must be submitted in writing via certified mail, return receipt requested, to the Association and/or its duly authorized agent by certified mail to the most current management certificate filed under Property Code Section 209.004.
3. The request must identify with sufficient detail the Association Records requested and contain an election to either receive copies of identified Association Records or to inspect the Association Records requested. The Association's governing documents, its membership register, its books of account, and the minutes of the meetings of the members, the Board, and committees may be inspected.
4. The Association, within 10 business days from receipt of a request under paragraph 2, will provide as appropriate:
  - (i) if an inspection is requested, written notice of dates during normal business hours during which Association Records requested, to the extent they are in the possession, custody or control of the Association, may be inspected, or
  - (ii) if copies are requested, produce copies of the requested Association Records to the extent they are in the possession, custody or control of the Association (if prior payment for such records has been received), or
  - (iii) if the Association is unable to produce the Association Records requested, which are in the possession, custody or control of the Association, written notice that it is unable to produce the records within the 10-day period and set forth a date,

within 15 business days of the notice provided under this paragraph 4(iii), by which the Association Records will be made available for inspection to the owner.

5. The Association will send the requesting party an estimate of the costs to respond, compile, produce, and reproduce information requested. The Association shall require advance payment, in certified funds, of the estimated costs. The requesting party shall be responsible for any costs above the estimate and the full amount due will be added to the requesting party's account as an assessment if not paid in full upon request.
6. Persons requesting to inspect Association Records shall not disrupt the ordinary business activities of the office where Association Records are kept during the inspection.
7. Certain Association Records shall remain confidential and will not be provided in response to a request for copies or inspection of Association Records, to wit: violation histories of Owners, Owners' personal financial information (including records of assessment payment history), Owners' contact information other than address, and Association personnel files. Association Records described in this paragraph 7 shall only be made available with the Owner's written approval or a court orders the Association to release the information.
8. No original books or records may be removed from the premises without the express written consent of the Board.
9. Owners are responsible for the costs of producing and copying Association Records. Costs are \$.10 per page, \$.50 for oversize page, \$15.00 per hour for personnel time spent in responding to a request, overhead of 20% of personnel charge, and must be paid in advance. A personnel charge and overhead charge will not be made for complying with requests that are for 50 or fewer pages of paper records, unless the records are located in a remote storage facility or in two or more separate buildings. To the extent that retrieval of documents from a remote storage facility results in a charge, the Association shall charge the costs of such services to the requesting owner.
10. The Association is under no obligation to provide any additional information other than that which is required by law.

This Policy was duly introduced, seconded and was thereafter adopted at a regular scheduled meeting of the Board of Directors, at which a quorum was present, by a majority vote of the members of the Board of Directors present and eligible to vote on this matter.

Notice and Recording. Upon recording this Policy with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

**IT IS FURTHER RESOLVED** that this Policy is effective as of 11/20, 2013, being the date it was approved by the Board of Directors, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. This Policy shall be filed of record in the Official Public Records of Kaufman County, Texas.



Date: 11/20/13

**WINDMILL FARMS ASSOCIATION  
PHASE 1, INC.**

Steve Howard, President

## EXHIBIT A-7

### WINDMILL FARMS ASSOCIATION PHASE 1, INC.

#### DOCUMENT RETENTION POLICY

**WHEREAS** Windmill Farms Association Phase 1, Inc. (the "*Association*") keeps correct and complete books and records of account and minutes of the proceedings of its members and Board of Directors (the "*Board*"); and,

**WHEREAS** the Board of the Association has determined that it would be in the best interests of the Association to provide a policy establishing guidelines for effectively managing the records of the Association in order to meet legal requirements for record retention and privacy protection, optimizing the use of space, minimizing the cost of record retention, and properly destroying outdated records; and,

**NOW THEREFORE BE IT RESOLVED** that the following requirements are hereby establishes and adopts the following procedures to be observed in furtherance of the Document Retention Policy of the Association:

1. Policy
  - a. It is the Association's policy to maintain complete, accurate and high quality documents. Documents are to be retained for the period of their immediate use, unless longer retention is required for historical reference, contractual or legal requirements, or for other purposes as set forth in this Document Retention Policy.
  - b. Documents that are no longer required, or have satisfied their recommended period of retention, are to be destroyed in an appropriate manner.
  - c. The Manager is responsible for ensuring that Documents within his or her area of assigned responsibility are identified, retained, stored, protected and subsequently disposed of, in accordance with the guidelines set forth in this Document Retention Policy.
2. Compliance - This Document Retention Policy is not intended to be exhaustive and accordingly, will be implemented to meet the specific needs of the Association. The retention periods set forth herein are guidelines based on the current retention periods set forth in federal, state and local statutes and regulations and industry custom and practice.
3. Board Members - The Association does not require Board members to maintain any Documents. Board members, in their discretion, may dispose of Documents generated by the Association because the Association has maintained such Documents in the Official Files. However, if Board members receive Documents relating to the Association, which were not generated by the Association, or not

received through the Association, Board members shall send the originals of such Documents to the Manager to be maintained in the Official Files.

4. Annual Purge of Files

- a. The Manager and each Board member electing to maintain Documents shall conduct an annual purge of files that are under their control. The annual purge of files shall be completed within the first quarter of each calendar year.
- b. When a member of the Board ceases to be a member, the Board member shall either destroy or turn over to the Manager, all Documents and files relating to the business of the Association. If the Documents and files are turned over, from that time forward, the Manager shall have the responsibility to conduct the annual purge of files maintained by the former Board member.

5. Destruction Procedure

- a. If the Documents to be destroyed are of public record, it is recommended that they be recycled. If recycling is not possible, the Documents may be placed in a trash receptacle.
- b. If the Documents to be destroyed are not of public record, they should be recycled if their confidentiality can be protected or they may be shredded, burned, chemically treated or otherwise made illegible.

6. Certification - Following the annual purge of files, the Manager, if requested by the Board, shall complete a Certification Letter directed to the Association's Board of Directors stating that all Documents under his or her control conform to the retention guidelines.

7. Miscellaneous - There may be immediate destruction of copies of any Document, regardless of age, provided that an original is maintained in the Official Files of the Association.

8. Onset of Litigation - Upon the institution of litigation, or if it is reasonably foreseeable that litigation may be imminent, all Documents potentially relevant to the dispute must be preserved. Therefore, at the direction of legal counsel, the Manager will advise the Board Members, and any other person who may maintain Association Documents, of the facts relating to litigation. Thereafter, all Documents potentially relevant to the dispute shall be deemed "held" until such litigation is concluded and all appeal periods have expired. At the conclusion of the litigation, the "hold" period will cease and the time periods provided in the Records Retention Schedule will be applied.

9. Definitions

- a. "Document" means any documentary material, that is generated or received by the Association in connection with transacting its business, is related to the Association's legal obligations, and is retained for any period of time. The term "Document" includes, among others, writings, drawings, graphs, charts, photographs, tape, disc, audio recordings, microforms, and other electronic documents from which information can be obtained or translated such as electronic mail, voice mail, floppy disks, hard discs and CD ROM.
- b. "Community Manager" means the Manager of the Association.
- c. "Official Files" means the files maintained by the Manager of the Association. Legal documents and documents subject to the attorney-client privilege and the work product privilege maintained by the Association's legal counsel are not part of the "Official Files" of the Association.
- d. "Permanent" means that the retention period for that document is permanent.

10. Record Retention Schedule

- a. The retention periods identified with particular Documents are intended as guidelines. In particular circumstances, the Manager and Board Members have the discretion to determine that either a longer or shorter retention period is warranted.
- b. Although every conceivable Document is not listed below, the following list should serve as a basis for retention schedules for the Association's Documents.

**RECORD RETENTION SCHEDULE**

<b>DOCUMENT TYPE</b>		<b>RETENTION OR TERMINATION PERIOD</b>
Corporate Documents and Governing Instruments	Articles of Incorporation, Certificate of Formation, Bylaws, Restrictive Covenants, Resolutions, Policies, Committee Charters, Rules, Regulations, Guidelines, Dedicatory Instruments, All Amendments and Supplements, Plats/Maps, Easements, Annexation Records, Management Certificates	Permanent
	Insurance Policies, Records, Claims, Disbursements, Settlements	Permanent
	Easement Agreements	Permanent
	Voting Records, Proxies, Ballots, Sign-In Sheet	Four (4) years
	Property Deed for Common Areas	Permanent
	Committee Reports	Four (4) years
Financial Books and Records	Financial Sheets (Balance Statement, Income Statement, Statement of Liabilities), General, General Ledgers, Accounts Receivable, and Accounts Payable Ledgers, Aging Reports, Bank Statements, Approved Budgets, Vendor Invoices/Disbursements, Check Registers, Canceled Checks, Copies of Payments Received, Expense Reports, Investment Information, Signature Cards	Seven (7) years
	Loan Documents	Four (4) years after loan is discharged

Financial Books and Records (cont'd)	Workers' Compensation Records, Accident Reports and Insurance Claims for Workers' Compensation Claims	Permanent
	Depreciation Schedules	Life of Asset Plus Four (4) years
	Correspondence Relating to General Financial Matters	Four (4) years
Account Records of Current Owners	Owner Information, General Owner Correspondence, Violation Correspondence, Architectural Applications, Collection Correspondence, Legal Collection Correspondence, Dispute of Debt,	Period of Ownership Plus Five (5) years
	Architectural or ACC Applications/Submissions, Property Deed,	Period of Ownership Plus Five (5) years
	Judgments/Release of Judgment, Liens/Release of Liens, Law/Legal Correspondence Property Specific	Permanent
	Approved Architectural or ACC Applications/ Submissions	Permanent
Vendor or Contract for Labor Records	Vendor Contracts	Four (4) years after the expiration of the contract term
	Bid Proposals/ Specifications (contracts not entered into by the Association)	Two (2) years
	Contract for Labor or Employment	Four (4) years after the expiration of the contract term
	Personnel files, if any including wage rates, job description, etc.	Permanent

Meetings of Owners and Board of Directors	Approved Minutes of Meetings of Owners and Board of Directors, including Executive Sessions	Seven (7) years
	Meeting Audio or Video Recording	If made, destroy prior to next meeting
Tax Returns and Audit Records	Federal, State, and State Franchise Tax Returns	Seven (7) years
	Financial Audits, IRS Notices/Federal Tax ID, Texas Notice of Franchise Exemption	Permanent
Professional Reports	Legal Opinions, Engineering/Structural Reports and other Professional Reports/Opinions	Permanent
	Lawsuits	Permanent
	Reserve Studies Relating to Study of Common Areas	Permanent
Miscellaneous Documents, Correspondence, Statements or Records		Seven (7) years


This Policy was duly introduced, seconded and was thereafter adopted at a regular scheduled meeting of the Board of Directors, at which a quorum was present, by a majority vote of the members of the Board of Directors present and eligible to vote on this matter.

Notice and Recording. Upon recording this Policy with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

**IT IS FURTHER RESOLVED** that this Policy is effective as of 11/20, 2013, being the date it was approved by the Board of Directors, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. This Policy shall be filed of record in the Official Public Records of Kaufman County, Texas.

Date: 11/20/13

**WINDMILL FARMS ASSOCIATION PHASE 1, INC.**

 President

## EXHIBIT A-8

### **WINDMILL FARMS ASSOCIATION PHASE 1, INC. PAYMENT PLAN AND PAYMENT APPLICATION POLICY**

**WHEREAS**, the Board of Directors for Windmill Farms Association Phase 1, Inc. (the “*Board*”) is empowered to govern the affairs of the Windmill Farms Association Phase 1, Inc. (“*Association*”) pursuant to the Declaration of Covenants, Conditions and Restrictions (“*Declaration*”); and

**WHEREAS**, there is a need to adopt a specific policy on collections, payment of assessments, and other charges and fees; and

**WHEREAS**, it is the intent that this Policy shall be applicable to all Owners, and shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board;

**NOW THEREFORE, BE IT RESOLVED THAT** the following policy on collections, payment of assessments, and the application of payment of assessments and other charges and fees is hereby adopted by the Board:

#### **PAYMENT PLAN POLICY**

The Board maintains the sole authority to enter into payment plans with the homeowners in accordance with applicable law, the Payment Plan Policy, and the Governing Documents. The Owner may, upon written request, petition the Board to establish a payment plan for the purpose of resolving a delinquent account.

- 1) The Association will allow payment plans for repayment of delinquent amounts with a minimum of three (3) months’ duration and a maximum of eighteen (18) months’ duration.
- 2) Assessments that become due and are added to the Owner’s account during the term of the payment plan must be paid when due in addition to repayment of delinquent amounts or must be addressed in the payment plan.
- 3) The Association will charge a fee to negotiate, establish and initiate a payment plan for the Owners’ delinquent balance and charge a monthly fee to administer the plan for the duration of the payment plan.
- 4) The plan must include the total debt owed to the Association, including late fees, interest, fines, attorneys’ fees, and other collection costs.
- 5) There shall be no waiver of any charges on the Owner’s account unless the Owner submits a request for consideration of a full or partial waiver.
- 6) To be eligible for a payment plan, the Owner must not have defaulted on a prior payment plan within the two (2) year period preceding the request for a payment plan.
- 7) Interest on the unpaid balance on the Owner’s account may be charged during the payment plan.
- 8) The payment plan must contain a schedule setting forth the date that each payment will be made and the exact amount of each payment to be made.



- 9) Payment plans approved after the account has been turned over to the Association's attorney for collection must be paid in certified funds.
- 10) Payment plans approved after notice has been given to an Owner that the property is in foreclosure must include a minimum amount established by the Board of Directors in the individual payment plan request and the initial payment must be received on or before the deadline established by the Association's attorney.

**Settlements:**

The Board will consider offers to settle an account once the Owner is at the foreclosure stage. Settlements must be paid in certified funds and are subject to the deadlines established by the Association's attorney.

**Default:**

The Board shall herein establish criteria for determining what constitutes "default" on payment plans.

"Default" may include one or all of the following:

- 1) Failure of an Owner to make a payment by the proposed date in accordance with the approved payment plan.
- 2) Failure of an Owner to make the full amount of a payment as stated in the approved payment plan.
- 3) Failure of an Owner to make a timely payment of any additional assessments that come due during the term of the payment plan.

Should the Owner default on a payment plan:

- 1) The Board, at their sole discretion, reserves the right to add suspended interest from the date the plan was approved.
- 2) The Board, at their sole discretion, can declare the outstanding balance due and payable immediately in certified funds.
- 3) The Board reserves the right to precede with appropriate collection measures in order to secure payment of amounts due to the Association.

**PAYMENT APPLICATION POLICY**

Any payment received by the Association from the 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 Subdivision (3);
- (5) any fines assessed by the Association; and
- (6) any other amount owed to the Association.

This Policy was duly introduced, seconded and was thereafter adopted at a regular scheduled meeting of the Board of Directors, at which a quorum was present, by a majority vote of the members of the Board of Directors present and eligible to vote on this matter.

Notice and Recording. Upon recording this Policy with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

**IT IS FURTHER RESOLVED** that this Policy is effective as of 11/20, 2013, being the date it was approved by the Board of Directors, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. This Policy shall be filed of record in the Official Public Records of Kaufman County, Texas.

Date: 11/20/13

**WINDMILL FARMS ASSOCIATION  
PHASE 1, INC.**

 President

## EXHIBIT A-9

### WINDMILL FARMS ASSOCIATION PHASE 1, INC.

#### ARCHITECTURAL GUIDELINES FOR DROUGHT RESISTANT LANDSCAPING (As provided in Chapter 202 of the Texas Property Code)

**Philosophy:** Xeriscaping means using native and adaptive plants that can grow and sustain themselves with low water requirements and tolerate heat and drought conditions. Xeriscaping does not mean zero water and zero maintenance. Windmill Farms Association Phase 1, Inc. (the "Association") will allow, subject to compliance with these rules, the use of drought-resistant landscaping and water conserving natural turf.

**Approval for changes, plan submittal:** Prior to initiating any change in the visible landscape, the Owner must submit plans and specifications detailing the proposed installation. The request must include a to-scale design plan, as well as details on the types of plants, the ground covers (including color and materials), the bordering material(s), the hardscape materials (including color), setbacks, irrigation system, and dimensions. (dimensions of beds, approximate size of plants, size of any rocks, and other such details.) It is recommended but not required that plans be drawn by a licensed landscape architect to increase the chance of approval of plans without changes being required. The Architectural Control Committee ("ACC") may request additional information or changes to the plans before final approval. Installation of any proposed xeric landscape may not begin until the ACC has approved the request.

**Design requirements:** Color and texture of the planted areas and inert areas are an important design aspect. Color and texture should be seen to flow neatly from one area of the yard to another. Extensive areas of "desert" or "barren" appearance must be avoided in order to preserve the aesthetic compatibility with the neighborhood. Large areas may not be composed of a single material; for example any areas of bare mulch must be interspersed with plants. The ACC may in its discretion prohibit water features, urns, and other man-made ornamentation. The xeriscape landscaping may not alter drainage patterns on a Lot, and owners must ensure that no crushed granite or other such runoff runs into a neighboring Lot or the street or the street.

Soils in xeriscape areas should either be altered to fit the plants, or plants selected to fit the soil. Efficient irrigations systems must be planned. Irrigation for xeriscapes zones must be different than for turf zones. Owners should select plants and zones in accordance with the amount of light, wind and moisture in the particular yard area. Organic mulches such as bark chips must be applied at least 3" deep and maintained at all times at least 2" deep. Inorganic mulches such as crushed rock must be applied at least 3" deep and maintained at all times at least 2" deep.

**Turf Grass:** At least 70% of the visible lawn area of the Lot must contain some form of sodded grass. The exact requirement of the turf may vary from property to property and is dependent on the specific plan submitted.

Owners should consider replacing any "thirsty" turf grasses in place such as St. Augustine with turf that has lower water requirements.

Artificial turf is prohibited absent a variance from the ACC, which may be granted or denied in the sole discretion of the ACC. However the ACC shall have no authority to approve artificial turf in any area between the front-most building line of a Lot and the street.

**Plants:** It is recommended to use plants adapted to the pH soil conditions created by the non-turf materials used. i.e., don't use acid loving plants along with alkaline crushed limestone covering, whereas acid loving plants would do well with a ground hardwood mulch covering and native plants would do well with limestone or crushed granite. Sickly and dying plants must be promptly removed or replaced.

**Hardscapes, rock, gravel, cactus:** The ACC may prohibit or limit the size and number of hardscape items including boulders. The ACC may prohibit or limit the installation of rock ground cover (including gravel, and crushed stone). The ACC may prohibit or limit installation of cacti.

**Borders:** Non-turf planted areas must be bordered with an approved bordering material to define the xeriscaped area clearly from the turfed areas. Such areas must be kept maintained at all times (plants trimmed and thinned, planted areas weeded, and borders edged) to ensure an attractive appearance. No plants may encroach onto sidewalks, curbs, or streets.

**Safety:** No plant with thorns, spines, or sharp edges may be used within 6' of the sidewalk or street.

**Maintenance:** Xeric landscapes are subject to the same requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Xeriscape designs are not intended to be "zero maintenance"; in fact they often require more effort than turf throughout the year. Plants must be trimmed, beds must be kept weed-free and borders must be edged. Leaves and other debris must be removed on a regular basis so as to maintain a neat and attractive appearance. Perennials which die back during winter must be cut back to remove dead materials during winter. This includes most ornamental grasses and other flowering perennials which go dormant to the ground in winter.

These Architectural Guidelines are promulgated pursuant to and in accordance with Section 202.007 of the Texas Property Code.

**Notice and Recording.** Upon recording these Architectural Guidelines with the county record's office, the Association's community manager is authorized and directed to prepare correspondence, in appropriate form and substance, to circulate a copy of same to all Owners.

IT IS RESOLVED that these Architectural Guidelines are effective as of September 1, 2013, being the effective date of Section 202.007(d)(8), and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Architectural Guidelines shall be filed of record in the Official Public Records of Kaufman County, Texas.

Date: 11/20/13

**WINDMILL FARMS ASSOCIATION  
PHASE 1, INC.**

Steve Howard, President

Exhibit B  
[Recording Data for Windmill Farms Association Phase I, Inc.]

Plats of Windmill Farms recorded in the Map or Plat Records of Kaufman County

Phase 1A, 1B & 1C = Doc. 00004222 Vol. 1682, Page 4  
220.712 Acres;  
S. Smith Survey, Abstract #450 &  
J. Heath Survey, Abstract #227

Honeysuckle Meadows, Phase 2A – Section 1 =Doc. 00016233 Vol. 2244, Page 29  
21.460 Acres; 108 Residential Lots  
S. Smith Survey, Abstract #450

Honeysuckle Meadows, Phase 2A – Section 2 =Doc. 00021488 Vol. 2284, Page 61  
19.588 Acres; 99 Residential Lots and 1 HOA Lot  
S. Smith Survey, Abstract #450

Honeysuckle Meadows, Phase 3A - Section 1 = Doc. 00029644 Vol. 2791, Page 125  
24.64 acres; 109 Residential Lots and 5 HOA Lots  
S. Smith Survey, Abstract #450

Honeysuckle Meadows, Phase 3A - Section 2 = Doc. 00029646 Vol. 2791, Page 127  
27.08 acres; 100 Residential Lots and 3 HOA Lots  
S. Smith Survey, Abstract #450

Honeysuckle Meadows, Phase 3A - Section 3 = Doc. 00029645 Vol. 2791, Page 126  
24.92 acres; 102 Residential Lots and 4 HOA Lots  
S. Smith Survey, Abstract #450

Amber Fields, Phase 2B – Section 1 =Doc. 00021487 Vol.2284, Page 60  
22.609 Acres; 99 Residential Lots and 2 HOA Lots  
S. Smith Survey, Abstract #450

Amber Fields, Phase 2B – Section 2 =Doc.00026942 Vol. 2324, Page 306  
22.496 Acres; 100 Residential Lots  
S. Smith Survey, Abstract #450

Amber Fields, Phase 2B – Section 3 =Doc. 00026703 Vol. 2321, Page 506  
26.523 Acres; 93 Residential Lots and 4 HOA Lots  
S. Smith Survey, Abstract #450

Amber Fields, Phase 2B – Section 4 =Doc. 00026704 Vol. 2321, Page 508  
18.087 Acres; 61 Residential Lots  
S. Smith Survey, Abstract #450

Phase 3 – Model Park = Doc. 00003148 Vol. 2821, Page 121  
7.94 Acres; 27 Residential Lots and 2 HOA Lots  
S. Smith Survey, Abstract #450

Heather Hollow, Phase 3C – Section 1 =Doc. 00003149 Vol. 2821, Page 122  
25.75 Acres; 105 Residential Lots & 7 HOA lots  
S. Smith Survey, Abstract #450

Heather Hollow, Phase 3C – Section 2 = Doc. 00003150 Vol. 2821, Page 123  
51.35 Acres; 109 Residential Lots and 4 HOA Lots  
S. Smith Survey, Abstract #450

Heather Hollow, Phase 3C – Section 3 = Doc. 00003147 Vol. 2821, Page 120  
43.71 Acres; 84 Residential Lots and 4 HOA Lots  
S. Smith Survey, Abstract #450