

\*\*\*\* Electronically Filed Document \*\*\*\*

**Brazos County, TX  
Karen McQueen  
County Clerk**

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**Parties:**

**Direct- CANYON CREEK OWNERS ASSOCIATION INC  
Indirect- PUBLIC**

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

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

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I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

**CANYON CREEK OWNERS ASSOCIATION, INC.**  
**ACCESS, PRODUCTION AND COPYING POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF BRAZOS           §

WHEREAS, the property encumbered by this Access, Production and Copying Policy ("Policy") is that property restricted by the Declaration of Covenants, Conditions and Restrictions of the Townhomes at Canyon Creek, recorded under Brazos County Clerk's File No. 00774889, as same has been or may be amended from time to time ("Declaration"), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Canyon Creek Owners Association, Inc. (the "Association"); and

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the "Board") of the Association hereby adopts this Policy for the purposes of prescribing accessibility to Association books and records, 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 has determined that it is in the best interest of the Association to establish this Policy concerning the production and copying of information, books, and records of the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt this Access, Production and Copying Policy, which shall run with the land and be binding on all owners and lots within the subdivision. This Policy shall become effective upon recording of same. After the effective date, this Policy shall replace any previously recorded or implemented policy that addresses the subjects contained herein.

**1. ACCESS**

The books and records of the Association, including financial records, shall be open to and reasonably available for examination by an owner, or a person designated in writing signed by the owner as the owner's agent, attorney, or certified public accountant. An owner is entitled to obtain from the Association copies of information contained in the books and records. An owner, or the owner's authorized representative, must submit a written request for access or information by certified mail, with sufficient detail describing the books and records requested, to the mailing address of the Association as reflected on the most current management certificate. The request must contain an election either to inspect the books and records before obtaining copies, or to have the Association forward copies of the requested books and records.

An attorney's files and records relating to the Association, excluding invoices requested by an owner under Section 209.008(d) of the Texas Property Code are not records of the Association and are not subject to inspection by the owner, or production in a legal proceeding.

If a document in an attorney's files and records relating to the Association would be responsive to a legally authorized request to inspect or copy Association documents, the document shall be produced by using the copy from the attorney's files and records if the Association has not maintained a separate copy of the document. Any document that constitutes attorney work product or that is privileged as an attorney-client privileged communication is not required to be produced.

The Association is not required to release or allow inspection of any books or records that identify the dedicatory instrument violation history of an owner, an owner's personal financial information, including records of payment/nonpayment of amounts due the Association, an owner's contact information other than the owner's address, or information related to an employee of the Association, including personnel files. Information may be released in an aggregate or summary manner that would not identify an individual owner. These records may be made available only with (i) the express written approval of the owner whose records are the subject of the request, or (ii) if a court of competent jurisdiction orders the release of the records.

If inspection is requested, the Association, on or before the tenth (10<sup>th</sup>) business day shall send written notice of dates during normal business hours that the owner may inspect the requested records to the extent the records are in the possession or control of the Association. The inspection shall take place at a mutually agreed upon time during normal business hours.

If copies are requested, the Association shall produce the requested records for the owner on or before the tenth (10<sup>th</sup>) business day after the date the Association receives the request except as otherwise provided herein. The Association may produce the requested records in hard copy, electronic, or other format reasonably available to the Association.

If the Association is unable to produce the records on or before the tenth (10<sup>th</sup>) business day, the Association shall give the owner notice that it is unable to produce the records within ten (10) business days, and state a date by which the information will be sent or made available for inspection, on a date not more than fifteen (15) business days after the date the notice is given.

Notwithstanding anything contained herein to the contrary, all records shall be produced subject to the terms of this Policy as set out below. The Association may require advance payment of estimated costs per its adopted policy.

## **2. CUSTODIAN OF RECORDS**

The Secretary of the Board or other person designated by the Board, is the designated Custodian of the Records of Association. As such, the Secretary of the Board is responsible for overseeing compliance with this Policy. Any questions regarding this Policy shall be directed to the Custodian of the Records of the Association.

### **3. PROCEDURES FOR RESPONDING TO REQUEST FOR INFORMATION**

All requests for information must comply with the requirements set forth hereinabove. The dated and signed, written request must state the specific information being requested.

Requests for information will NOT be approved when the information regards pending legal issues, unless specifically required by law; information of personnel matters such as individual salaries; information about other members; information that is privileged or confidential.

### **4. COST OF COMPILING INFORMATION AND MAKING COPIES OF RECORDS**

The costs of compiling information and making copies shall not exceed those set forth in 1 TAC §70.3. The following fee schedules and explanations comply with this code section.

The following are the costs of materials, labor, and overhead which shall be charged to the owner requesting. The Association may require advance payment of the estimated costs of compilation, production, and reproduction of the requested information. 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 exceeded the final invoice amount, the owner is entitled to a refund, and the refund shall be issued to the owner not later than the 30<sup>th</sup> business day after the date the invoice is sent to the owner.

#### **4.1 Copy Charge:**

- (1) Standard paper copy. The charge for 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.
- (2) Nonstandard copy: covers materials onto which information is copied and does not reflect any additional charges, including labor that may be associated with a particular request. Charges for nonstandard copies are:
  - (A) Diskette - \$1.00
  - (B) Magnetic tape – actual cost
  - (C) Data cartridge – actual cost
  - (D) Tape cartridge – actual cost
  - (E) Rewritable & non-rewritable CD - \$1.00
  - (F) Digital video disc - \$3.00
  - (G) JAZ drive – actual cost
  - (H) Other electronic media – actual cost
  - (I) VHS video cassette - \$2.50
  - (J) Audio cassette - \$1.00
- (3) Oversize paper copy (e.g. 11 x 17, green bar, blue bar, not including maps and photographs using specialty paper - \$.50

(4) Specialty paper (e.g. Mylar, blueprint, blueline, map, photographic) – actual cost

**4.2 Labor Charge:**

For locating, compiling, manipulating data, and reproducing public information, the following charges shall apply:

- (1) Labor charge - \$15.00/hour. This charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information;
- (2) No labor charge to be billed for requests that are 50 or fewer pages of paper records, unless the documents to be copied are located in:
  - (A) Two or more separate buildings that are not physically connected with each other;  
or
  - (B) A remote storage facility;
- (3) Labor charge may be charged when confidential information is mixed with public information in the same page, an attorney, legal assistant, or any other person who reviews the requested information, for time spent to redact, blackout, or otherwise obscure confidential information for requests of 50 or fewer pages.

**4.3 Overhead Charge:**

Whenever a labor charge is applicable to a request, the Association may include in the charges direct and indirect charges, 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 the Association chooses to recover such costs, the charge shall be made in accordance with the methodology described hereafter:

- (1) The 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;
- (2) The overhead charge shall be computed at 20% of the charge made to cover any labor costs associated with a particular request.

**4.4 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. Related postal or shipping expenses which are necessary to transmit the reproduced information may be added to the total charge. If payment by credit card is accepted, if a transaction fee is charged by the credit card company, that fee may be added to the total charge.

**5. DENIAL OF REQUESTED INFORMATION**

If it is decided that a request for information is inappropriate or unapproved, the Board, or its designee, will notify the requesting member of that decision and the reason for it in a timely manner. The Board, or its designee, will inform the member, in writing of their right to appeal to the Board.

**CERTIFICATE OF SECRETARY**

I hereby certify that, as Secretary of the Canyon Creek Owners Association, Inc., the foregoing Access, Production and Copying Policy was approved on the 23RD day of JUNE, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED this the 5TH day of JULY, 2012.

*William C. Records*  
Print Name: WILLIAM C. RECORDS  
Title: Secretary

STATE OF TEXAS       §  
                                  §  
COUNTY OF BRAZOS   §

BEFORE ME, on this day personally appeared William C. Records, the Secretary of the Canyon Creek Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 5th day of July, 2012.

*Brenda S. Bierman*  
Notary Public – State of Texas

After Recording Return To:  
Stephanie Quade  
Roberts Markel Weinberg P.C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056



\*\*\*\* Electronically Filed Document \*\*\*\*

**Brazos County, TX  
Karen McQueen  
County Clerk**

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**Parties:**

**Direct- CANYON CREEK OWNERS ASSOCIATION INC  
Indirect- PUBLIC**

**Receipt Number: 442662  
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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

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

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I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

**CANYON CREEK OWNERS ASSOCIATION, INC.**  
**DISPLAY OF RELIGIOUS ITEMS POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF BRAZOS           §

WHEREAS, the property encumbered by this Display of Religious Items Policy is that property restricted by the Declaration of Covenants, Conditions and Restrictions of the Townhomes at Canyon Creek, recorded under Brazos County Clerk’s File No. 00774889, as same has been or may be amended from time to time (“Declaration”), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Canyon Creek Owners Association, Inc. (the “Association”).

NOW THEREFORE, pursuant to the authority granted in Section 202.018 of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Display of Religious Items Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

**DISPLAY OF RELIGIOUS ITEMS**

Owners and residents are generally permitted to display or affix one or more religious items on the entry to their dwelling, the display of which is motivated by the owner’s or resident’s sincere religious belief.

The display or affixing of a religious item on the entry to the owner’s or resident’s dwelling is prohibited under the following circumstances:

1. The item threatens the public health or safety;
2. The item violates a law;
3. The item contains language, graphics or any display that is patently offensive to a passerby;
4. The item 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; and
5. The item, individually or in combination with other religious item(s) displayed or affixed on the entry door or door frame, has a total size of greater than 25 square inches.

The Association, pursuant to Section 202.018 of the Texas Property Code, may remove an item displayed in violation of this Policy.



This Policy in no way authorizes an owner or resident 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 Declaration.

CERTIFICATION

I hereby certify that, as Secretary of the Canyon Creek Owners Association, Inc., the foregoing Display of Religious Items Policy was approved on the 23RD day of JUNE, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED this the 5TH day of JULY, 2012.

*William C. Records*

Print Name: WILLIAM C. RECORDS

Title: Secretary

STATE OF TEXAS §

§

COUNTY OF BRAZOS §

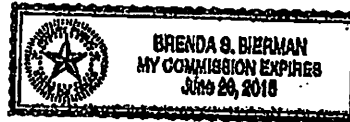
§

BEFORE ME, on this day personally appeared William C. Records, the Secretary of the Canyon Creek Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 5<sup>th</sup> day of July, 2012.

*Brenda S Bierman*  
Notary Public - State of Texas

After Recording Please Return To:  
Stephanie L. Quade  
Roberts Markel Weinberg P.C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056



\*\*\*\* Electronically Filed Document \*\*\*\*

**Brazos County, TX  
Karen McQueen  
County Clerk**

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**Parties:**

Direct- CANYON CREEK OWNERS ASSOCIATION INC  
Indirect- PUBLIC

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

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Honorable Karen McQueen, County Clerk, Brazos County

**CANYON CREEK OWNERS ASSOCIATION, INC.**  
**COLLECTION POLICY AND PAYMENT PLAN GUIDELINES**

STATE OF TEXAS                   §  
  §  
COUNTY OF BRAZOS           §

WHEREAS, the property encumbered by these Collection Policy and Payment Plan Guidelines (the "Guidelines") is that property restricted by the Declaration of Covenants, Conditions and Restrictions of the Townhomes at Canyon Creek, recorded under Brazos County Clerk's File No. 00774889, as same has been or may be amended from time to time ("Declaration"), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Canyon Creek Owners Association, Inc. (the "Association"); and

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the "Board") of the Association hereby adopts these Guidelines for the purposes of establishing a uniform and systematic procedure to collect assessments and other charges of the Association and identify the guidelines under which owners may request an alternative payment schedules for certain assessments; and

WHEREAS, the Board has determined that it is in the best interest of the Association to establish these Guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt this Collection Policy and Payment Plan Guidelines, which shall run with the land and be binding on all owners and lots within the subdivision. These Guidelines replace any previously recorded or implemented guidelines that address the subjects contained herein.

**I.     COLLECTION POLICY**

**1.     ASSESSMENT PERIOD**

The Board has the duty of establishing and adopting an annual budget, in advance, for each fiscal year of the Association covering the estimated costs of operation of the Association during each calendar year.

**2.     NOTICE**

The Board shall fix the amount of the annual assessment against each lot for the following year and shall, at that time, prepare a roster of the lots and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any owner. Upon completion of the roster, written notice of the assessment may be sent to every owner subject to the assessment. An owner may not escape liability or be entitled to a deferral of interest, fines or collection costs with regard to delinquent assessments on the basis of such owner's failure to receive notice, if such notice was sent

via regular mail to the most recent address of the owner according to the records of Association. Each owner shall have the obligation to notify the Association in writing of any change in address which shall become effective five days after written notice has been received.

3. DUE DATE

All assessments are due on an annual basis, as determined by a majority of the Board for that assessment year. If any assessment due the Association is not paid on the date when due, then such assessment shall become delinquent thirty (31) days after the due date. Charges disputed by an owner are considered delinquent until such time as they are paid in full.

Payments received after the due date are considered delinquent and the entire amount due may be transferred to a Payment Plan as set forth in Section II of these Guidelines.

4. INTEREST

If the assessment is not paid within thirty (31) days after the due date, the assessment shall bear interest from the due date at the rate set forth in the Declaration until the assessment is paid in full.

5. DELINQUENCY NOTIFICATION

The Association may cause to be sent the following notification(s) to delinquent owners:

a. PAST DUE NOTICE: In the event that an assessment account balance remains unpaid thirty (30) days from the due date, a Past Due Notice may be sent via regular mail to each owner with a delinquent account setting forth all assessments, interest and other amounts due. The Past Due Notice will contain a statement that the entire remaining unpaid balance of the Assessment is due and that the owner is entitled to a Payment Plan as set forth in Section II of these Guidelines. In the event an owner chooses to enter a Payment Plan, a monthly charge may be added to each delinquent Owner's account balance for administrative costs related to the Payment Plan and such additional administrative costs will continue until the entire balance is paid in full.

b. FINAL NOTICE: In the event the entire assessment is not paid in full or there is a default on the Payment Plan, where an assessment account balance remains unpaid sixty (60) days or later from the due date, a Final Notice may be sent via certified mail to each delinquent owner. The Final Notice will set forth the following information and the result of failure to pay, including an explanation of:

1. AMOUNTS DUE: All delinquent assessments, interest and other amounts due;
2. HEARING: Owners shall be given notice and opportunity for a hearing before the Board. A hearing shall be granted if a written request for a hearing is received by the Association not more than thirty (30) days from the owner's receipt of the Final Notice.

If a hearing is requested within 30 days from receipt of the Final Notice, further collection procedures are suspended until the hearing process is completed. The Board shall set a hearing date not later than 30 days after receipt of owner's request for a hearing. Either party may request a postponement, which shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of both parties. Further collection steps will be determined by the action of the Board;

3. COMMON AREA RIGHTS SUSPENSION: If a hearing is not requested within 30 days from receipt of the Final Notice, the owner's use of recreational facilities and common properties may be suspended; and
  4. MILITARY NOTICE: If the owner is serving on active military duty, the owner may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act.
- c. NOTICE OF TURNOVER TO COLLECTION AGENT/ATTORNEY: If a hearing is not requested within 30 days from receipt of the Final Notice, member privileges will be suspended, the account may be sent to a collection agent and/or the Association's attorney for collection and any fees and expenses will be charged to the owner's assessment account. An owner may not be charged fees of a collection agent (as same is defined in Property Code §209.0064) or legal counsel unless the Association first provides written notice to the owner by certified mail, return receipt requested, that:
1. Specifies each delinquent amount and the total amount of the payment required to make the account current;
  2. Describes the options the owner has to avoid having the account turned over to a collection agent or legal counsel, including information regarding availability of a payment plan through the Association; and
  3. Provides a period of at least thirty (30) days for the owner to cure the delinquency before further collection action is taken.

6. REFERRAL OF ACCOUNT TO ASSOCIATION'S ATTORNEY

Upon referral of the account to the Association's attorney, the attorney is authorized to take whatever action is necessary, in consultation with the Board, including but not limited to: sending demand letters, filing a lawsuit against the delinquent owner for a money judgment, instituting an expedited foreclosure action; and, filing necessary claims, objections and motions in the bankruptcy court and monitoring the bankruptcy case in order to protect the Association's interests.

In the event the Association has determined to foreclose its lien provided in the Declaration, and to exercise the power of sale thereby granted, such foreclosure shall be accomplished pursuant to the requirements of Section 209.0092 of the Texas Property

Code by first obtaining a court order in an application for expedited foreclosure under the rules adopted by the Supreme Court of Texas.

7. **BANKRUPTCIES**

Upon receipt of any notice of a bankruptcy of an owner, the account may be turned over to the Association's attorney so that the Association's interests may be protected.

8. **REQUIRED ACTION**

Nothing contained herein, not otherwise required by the Declaration or by law, shall require the Association to take any of the specific actions contained herein. The Board of the Association shall have the right, but not the obligation, to evaluate each delinquency on a case-by-case basis as in its best judgment deems reasonable.

9. **PAYMENTS RETURNED NON-SUFFICIENT FUNDS**

An owner will be assessed a service charge for any check that is returned or Automatic Clearing House (ACH) debit that is not paid for any reason, including but not limited to Non-Sufficient Funds (NSF) or stop payment order. The amount of the service charge assessed will be the customary amount charged.

**II. PAYMENT PLAN**

The Association hereby establishes a Payment Plan 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 without accruing additional monetary penalties. Monetary penalties do not include interest or reasonable costs associated with administering the Payment Plan. The Payment Plan Schedule is as follows:

- a. The term for the Payment Plan is six (6) months;
- b. A Payment Plan shall require twenty percent (20%) of the delinquent amount to be paid at the inception of the Payment Plan, with the balance being due and payable in five (5) equal payments due on the first day of each month;
- c. Failure to pay the initial payment of twenty percent (20%) of the delinquent amount shall be considered a default of the Payment Plan;
- d. An owner, upon written request, may request a longer period of time;
- e. The Association is not required to honor the terms of a previous Payment Plan during the two (2) years following an owner's default under a previous Payment Plan;
- f. If an owner requests a Payment Plan that will extend into the next assessment cycle, the owner will be required to pay future assessments by the due date in addition to the payments specified in the Payment Plan.

**III. APPLICATION OF PAYMENTS**

- A. Except as provided in subsection B immediately below, a payment received by the Association shall be applied in the following order of priority:

1. Any delinquent assessment;
  2. Any current assessment;
  3. Attorney's fees or third party collection costs incurred by the Association associated solely with assessments or other charge that can be the basis of foreclosure;
  4. Attorney's fees not subject to "3" above;
  5. Fines;
  6. Any other amount owed to the Association.
- B. If/when an owner defaults on a Payment Plan, the remaining delinquent amount will become due in full and the Association may begin further collection action as set out above in Article I(5)(b). Any payment(s) received by the Association after such default of a Payment Plan shall be applied in the following order of priority:
1. Costs;
  2. Attorney fees;
  3. Interest;
  4. Late fees;
  5. Delinquent assessments;
  6. Current assessments; and
  7. Fines

As to each category identified in this subsection B, payment shall be applied to the most-aged charge first. The acceptance of a partial payment on an owner's account does not constitute a waiver of the Association's right to collect the full outstanding balance due on said owner's account.

**CERTIFICATION**

I hereby certify that, as Secretary of the Canyon Creek Owners Association, Inc., the foregoing Collection Policy and Payment Plan Guidelines were approved on the ~~23rd~~ day of JUNE, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 5th day of JULY, 2012.

*William C. Records*

Print Name: WILLIAM C. RECORDS  
Title: Secretary

STATE OF TEXAS §  
  §  
COUNTY OF BRAZOS §

BEFORE ME, on this day personally appeared William C. Records, the Secretary of the Canyon Creek Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 5th day of July, 2012.

*Brenda S. Bierma*  
Notary Public – State of Texas



After Recording Please Return To:  
Stephanie L. Quade  
Roberts Markel Weinberg P.C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056



\*\*\*\* Electronically Filed Document \*\*\*\*

**Brazos County, TX  
Karen McQueen  
County Clerk**

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**Direct- CANYON CREEK OWNERS ASSOCIATION INC  
Indirect- PUBLIC**

**Receipt Number: 442664  
Processed By: Cathy Barcelona**

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

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

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I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

**CANYON CREEK OWNERS ASSOCIATION, INC.**  
**DOCUMENT RETENTION POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF BRAZOS           §

WHEREAS, the property encumbered by this Document Retention Policy ("Policy") is that property restricted by the Declaration of Covenants, Conditions and Restrictions of the Townhomes at Canyon Creek, recorded under Brazos County Clerk's File No. 00774889, as same has been or may be amended from time to time ("Declaration"), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Canyon Creek Owners Association, Inc. (the "Association"); and

WHEREAS, pursuant to Chapter 209 of the Texas Property Code, the Board of Directors (the "Board") of the Association hereby adopts this Policy for the purposes of prescribing the document retention policy pursuant to Section 209.005 of the Texas Property Code; and

WHEREAS, the Board has determined that it is in the best interest of the Association to establish this Policy concerning the retention of records of the Association.

NOW, THEREFORE, BE IT RESOLVED THAT the Association does hereby adopt this Document Retention Policy, which shall run with the land and be binding on all owners and lots within the subdivision. This Policy shall become effective upon recording of same. After the effective date, this Policy shall replace any previously recorded or implemented policy that addresses the subjects contained herein.

This Policy provides for the future systematic review, retention, and destruction of documents received or created by the Association in connection with the transaction of the Association's business. This Policy covers all records and documents, regardless of physical form, and contains guidelines for how long certain documents should be kept and how records should be destroyed. This Policy shall be effective upon recording, and shall apply to records generated on or after January 1, 2012.

The Association retains specific documents for the time periods outlined in the attached Exhibit "A." Documents that may not be specifically listed will be retained for the time period of the documents most closely related to those listed in the schedule. Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types on the attached Exhibit "A" will be maintained for the identified time period.

The Custodian of Records of the Association is responsible for the ongoing process of identifying the Association's records which have met the required retention period and overseeing their destruction. Destruction of any physical documents will be accomplished by shredding. Destruction of any electronic records of the Association shall be made via a

reasonable attempt to remove the electronic records from all known electronic locations and/or repositories.

**CERTIFICATE OF SECRETARY**

I hereby certify that, as Secretary of the Canyon Creek Owners Association, Inc., the foregoing Document Retention Policy was approved on the 23RD day of JUNE, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED this the 5TH day of JULY, 2012.

*William C. Records*  
Print Name: WILLIAM C. RECORDS  
Title: Secretary

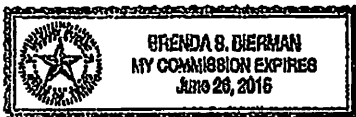
STATE OF TEXAS §  
  §  
COUNTY OF BRAZOS §

BEFORE ME, on this day personally appeared William C. Records the Secretary of the Canyon Creek Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 5th day of July, 2012.

*Brenda S. Bierman*  
Notary Public – State of Texas

After Recording Return To:  
Stephanie Quade  
Roberts Markel Weinberg P.C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056



<b>EXHIBIT "A"</b>			
<b>DOCUMENT RETENTION POLICY</b>			
<b>DOCUMENT TYPE</b>	<b>DEFINED</b>	<b>TIME PERIOD</b>	<b>EXCEPTION</b>
<b>Account Records of Current Owners</b>	Member assessment records	Five (5) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years.
<b>Audit Records</b>	Independent Audit Records	Seven (7) years	
<b>Bylaws</b>	And all amendments	Permanently	
<b>Certificate of Formation</b>	And all amendments	Permanently	
<b>Contracts</b>	Final contracts between the Association and another entity.	Later of completion of performance or expiration of the contract term plus four (4) years	
<b>Financial Books &amp; Records</b>	Year End Financial Records and supporting documents	Seven (7) years	
<b>Minutes of Board &amp; Owners Meetings</b>	Board minutes and written consents in lieu of a meeting; Annual member meetings	Seven (7) years	
<b>Restrictive Covenants</b>	And all amendments	Permanently	
<b>Tax Returns</b>	Federal and State Income, Franchise Tax Returns and supporting documentation	Seven (7) years	

**\*\*\*\* Electronically Filed Document \*\*\*\***

**Brazos County, TX  
Karen McQueen  
County Clerk**

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**Document Number: 2012-1125976  
Recorded As : ERX-RECORDINGS**

**Recorded On: July 12, 2012  
Recorded At: 03:54:54 pm  
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Book-VI/Pg: Bk-OR VI-10783 Pg-47  
Recording Fee: \$32.00**

**Parties:**

**Direct- CANYON CREEK OWNERS ASSOCIATION INC  
Indirect- PUBLIC**

**Receipt Number: 442666  
Processed By: Cathy Barcelona**

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

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

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I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

**CANYON CREEK OWNERS ASSOCIATION, INC.**  
**SOLAR ENERGY DEVICES AND ROOFING MATERIALS POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF BRAZOS           §

WHEREAS, the property encumbered by this Solar Energy Devices and Roofing Materials Policy is that property restricted by the Declaration of Covenants, Conditions and Restrictions of the Townhomes at Canyon Creek, recorded under Brazos County Clerk’s File No. 00774889, as same has been or may be amended from time to time (“Declaration”), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Canyon Creek Owners Association, Inc. (the “Association”); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee (“ACC”), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 202.010 and 202.011 of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Solar Energy Devices and Roofing Materials Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

An application must be submitted for review by the ACC, and formal written approval from the ACC shall be required before installation may begin.

**I.     SOLAR ENERGY DEVICES AND ROOFING MATERIALS**

**A.    Prohibited Solar Energy Devices**

Solar energy devices, as referred to herein, shall be defined as set forth in the Texas Tax Code, §171.107. Solar energy devices are prohibited in the following circumstances:

1.     It has been adjudicated by a court that the solar energy devices are a threat to public health or safety, or violate a law;
2.     Solar energy devices that are located on property owned or maintained by the Association;
3.     Solar energy devices that are located on property that is owned in common by the members;
4.     Solar energy devices that are located on the owner’s property, other than:
  - a.     On the roof of the dwelling or another permitted structure;

- b. In a fenced yard or patio owned & maintained by the owner;
5. Roof-mounted solar energy devices that extend higher than or beyond the roofline;
6. Subject to Item 7 below, if roof mounted, is mounted in an area other than the back of the home;
7. Roof-mounted solar energy devices that are located in an area *other* than an area designated by the Association, unless the alternate location increases the estimated annual energy production by more than 10% above the area designated by the Association (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory);
8. Roof-mounted solar energy devices that do not conform to the slope of the roof and have a top edge that is not parallel to the roofline;
9. Roof-mounted solar energy devices having frames, support brackets, or visible piping or wiring containing colors other than silver, bronze, or black tones;
10. Solar energy devices located in a fenced yard or patio that are taller than the fence;
11. Solar energy devices that, as installed, void material warranties; and
12. Solar energy devices that were installed without prior approval by the Association or ACC.

If the proposed solar energy devices do not fall within one of the above-prohibited categories, the Association or ACC may not withhold approval of the installation of solar energy devices unless the Association or ACC determines in writing that placement of the solar energy devices, 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 a person of ordinary sensibilities. The written approval of the owner's proposed location by all owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

**B. Permitted Roofing Materials**

Pursuant to Texas Property Code §202.011, the installation of the following roofing materials is permitted:

1. Wind or hail resistant roofing materials;
2. Materials that provide heating and cooling efficiencies greater than those provided by customary composite shingles; or
3. Materials that provide solar generation capabilities.

The above-enumerated acceptable materials, when installed, must:

1. Resemble the shingles used or otherwise are authorized for use within the subdivision;
2. Be more durable than, and are of equal or superior quality to, the shingles authorized for use within the subdivision; and
3. Match the aesthetics of the property surrounding the owner's property.

## II. ACC APPROVAL

Applicant's submission of plans must include a completed application for ACC review, a site plan and/or roof plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to the roof or house color, the visibility from public streets and neighboring properties/common areas and any noise created and/or light reflected are of specific concern to the Association and the ACC.

Any installation not in compliance with this Policy will be considered a deed restriction violation.

This Solar Energy Devices and Roofing Materials Policy does not apply to property that is owned or maintained by the Association.



**CERTIFICATION**

I hereby certify that, as Secretary of the Canyon Creek Owners Association, Inc., the foregoing Solar Energy Devices and Roofing Materials Policy was approved on the ~~23rd~~ day of JUNE, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 5th day of JULY, 2012.

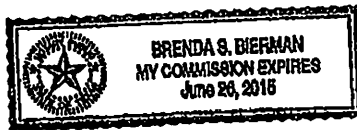
William C. Records  
Print Name: WILLIAM C. RECORDS  
Title: Secretary

STATE OF TEXAS §  
§  
COUNTY OF BRAZOS §

BEFORE ME, on this day personally appeared William C. Records, the Secretary of the Canyon Creek Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 5th day of July, 2012.

Brenda S. Bierman  
Notary Public - State of Texas



**After Recording Please Return To:**  
Stephanie L. Quade  
Roberts Markel Weinberg P.C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056

\*\*\*\* Electronically Filed Document \*\*\*\*

**Brazos County, TX  
Karen McQueen  
County Clerk**

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**Document Number: 2012-1125975  
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Recording Fee: \$28.00**

**Parties:**

**Direct- CANYON CREEK OWNERS ASSOCIATION INC  
Indirect- PUBLIC**

**Receipt Number: 442665  
Processed By: Cathy Barcelona**

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

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

---



I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

**CANYON CREEK OWNERS ASSOCIATION, INC.**  
**RAIN BARREL POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF BRAZOS           §

WHEREAS, the property encumbered by this Rain Barrel Policy is that property restricted by the Declaration of Covenants, Conditions and Restrictions of the Townhomes at Canyon Creek, recorded under Brazos County Clerk’s File No. 00774889, as same has been or may be amended from time to time (“Declaration”), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Canyon Creek Owners Association, Inc. (the “Association”); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee (“ACC”), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 202.007(d) of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Rain Barrel Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

An application must be submitted for review by the ACC, and formal written approval from the ACC shall be required before installation may begin.

**I.     RAIN BARRELS**

**A.     Prohibited Rainwater Harvesting Systems/Rain Barrels**

Rainwater harvesting systems or rain barrels (collectively referred to herein as “Rain Barrels”) are prohibited in the following circumstances:

1. Rain Barrels that are located on property owned by the Association;
2. Rain Barrels that are located on property that is owned in common by the members of the Association;
3. Rain Barrels that are located between the front of the owner’s home and an adjoining or adjacent street;
4. Rain Barrels that are of a color not consistent with the color scheme of the home; and
5. Rain Barrels that display language or content other than the manufacturer’s typical display.

**B. Rain Barrels Located in Area Visible from a Street, Lot, or Common Area:**

Rain Barrels that are located on the side of a house or at any other location that is visible from a street, another lot, or a common area must comply with the following:

1. Rain Barrels must have adequate screening, as determined by the ACC;
2. Only commercial and professional grade Rain Barrels are permitted;
3. All Rain Barrels must be fully enclosed and have a proper screen or filter to prevent mosquito breeding and harboring; and
4. Rain Barrels may not create unsanitary conditions or be of nuisance to any neighboring properties.

**II. ACC APPROVAL**

Applicant's submission of plans must include a completed application for ACC review and a site plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to the house color, the visibility from public streets and neighboring properties/common areas and any noise created are of specific concern to the Association and the ACC.

Any installation not in compliance with this Policy will be considered a deed restriction violation.

This Rain Barrel Policy does not apply to property that is owned or maintained by the Association.

**CERTIFICATION**

I hereby certify that, as Secretary of the Canyon Creek Owners Association, Inc., the foregoing Rain Barrel Policy was approved on the ~~23rd~~ day of JUNE, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 5th day of JULY, 2012.

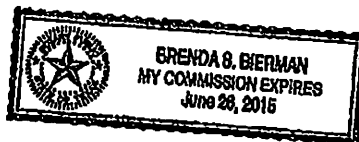
William C. Records  
Print Name: WILLIAM C. RECORDS  
Title: Secretary

STATE OF TEXAS       §  
                                  §  
COUNTY OF BRAZOS   §

BEFORE ME, on this day personally appeared William C. Records, the Secretary of the Canyon Creek Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 5th day of July, 2012.

Brenda S. Bierman  
Notary Public - State of Texas



**After Recording Please Return To:**  
Stephanie L. Quade  
Roberts Markel Weinberg P.C.  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056

**\*\*\*\* Electronically Filed Document \*\*\*\***

**Brazos County, TX  
Karen McQueen  
County Clerk**

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**Document Number: 2012-1125977  
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Recording Fee: \$28.00**

**Parties:**

**Direct- CANYON CREEK OWNERS ASSOCIATION INC  
Indirect- PUBLIC**

**Receipt Number: 442667  
Processed By: Cathy Barcelona**

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

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

---



**I hereby certify that this instrument was filed on the date and time  
stamped hereon by me and was duly recorded in the volume and page  
of the Official Public records of BRAZOS COUNTY, TEXAS**

**Honorable Karen McQueen, County Clerk, Brazos County**

**CANYON CREEK OWNERS ASSOCIATION, INC.**  
**FLAG DISPLAY POLICY**

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

WHEREAS, the property encumbered by this Flag Display Policy is that property restricted by the Declaration of Covenants, Conditions and Restrictions of the Townhomes at Canyon Creek, recorded under Brazos County Clerk’s File No. 00774889, as same has been or may be amended from time to time (“Declaration”), and any other subdivisions which have been or may be subsequently annexed thereto and made subject to the authority of the Canyon Creek Owners Association, Inc. (the “Association”); and

WHEREAS, any reference made herein to approval by the Architectural Control Committee (“ACC”), means prior written approval by the ACC.

NOW THEREFORE, pursuant to the authority granted in Section 202.011 of the Texas Property Code, the Board of Directors (the “Board”), hereby adopts this Flag Display Policy (“Policy”), which shall run with the land and be binding on all owners and lots within the subdivision. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

**I. FLAG DISPLAY**

The display of flags is permitted under the following parameters:

1. Owners may have a total of one (1) flagpole per lot. Flags must be attached to a flagpole in order to be displayed;
2. Any of the following flags may be displayed on the single permitted flagpole:
  - a. U.S. flag;
  - b. Texas flag; or
  - c. An official or replica flag of a branch of the US armed forces
3. The U.S. flag must be displayed in accordance with federal law, and the Texas flag must be displayed in accordance with Texas state law;
4. Flagpoles may be either freestanding or mounted to the dwelling, under the following parameters:
  - a. Freestanding flagpoles must be located in the backyard and may not be taller than twenty feet (20’) when measured from the ground level (including the pole ornamentation).
  - b. Flagpoles no greater than five feet (5’) in length may be attached to the front or back of a dwelling.

5. All flagpoles must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;
6. No flagpole can be placed within an easement on the owner's lot, or in a location that encroaches on a setback on the owner's lot;
7. All flags and flagpoles must be properly maintained at all times, including, but not limited to, immediate replacement of faded, frayed or torn flags and replacement of poles that are scratched, bent, rusted, faded, leaning or damaged in any way;
8. If evening display of the flag is desired, the flag may be lit from the base of the flagpole (maximum of two bulbs) with a total of no more than 150 watts. The light must shine directly up at the flag, and cannot cause any type of light spillover onto adjoining properties. All exterior lighting must be submitted to the ACC for prior approval;
9. Flagpoles mounted to a dwelling or garage must be removed from view when no flag is displayed;
10. The size of the flag must be appropriate for the length of the flagpole;
11. Flagpole halyards must not make noise under any conditions. Halyards must be securely fastened at all times;
12. Freestanding flagpoles must be mounted on an appropriate footing;
13. All flagpoles must be installed per the manufacturer's guidelines;
14. Owners are prohibited from locating a flag or flagpole on property owned or maintained by the Association; and
15. Owners are prohibited from locating a flag or flagpole on property owned in common by the members of the Association.

## II. ACC APPROVAL

Flagpoles mounted to a dwelling do not require approval from the ACC, provided the terms of this Policy are complied with. Any installation of a flagpole to a dwelling not in compliance with this Flag Display Policy will be considered a deed restriction violation.

Freestanding flagpoles require submission of a completed application to the ACC with a site plan showing the proposed location of the improvement, along with pictures showing the location of the modification and the manufacturer's brochures or sample of material, if applicable. The color of the materials being used in relation to house color, the visibility from public streets and neighboring properties/common areas and any noise created are of specific



concern. Any installation not in compliance with this Policy will be considered a deed restriction violation.

This Flag Display Policy does not apply to property that is owned or maintained by the Association.

**CERTIFICATE OF SECRETARY**

I hereby certify that, as Secretary of the Canyon Creek Owners Association, Inc., the foregoing Flag Display Policy was approved on the 23RD day of JUNE, 2012, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 5TH day of JULY, 2012.

William C. Records  
Print Name: WILLIAM C. RECORDS  
Title: Secretary

STATE OF TEXAS

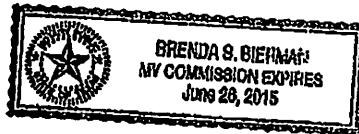
§  
§  
§

COUNTY OF BRAZOS

BEFORE ME, on this day personally appeared William C. Records, the Secretary of the Canyon Creek Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 5th day of July, 2012.

Brenda S. Bierman  
Notary Public - State of Texas



**After Recording, Return To:**  
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2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056