

# Exhibit A

## THE WESTGATE TOWNHOUSES HOME OWNERS ASSOCIATION, INC.

### DBA TURTLE ROCK HOME OWNERS ASSOCIATION

#### REVISED AND RESTATED

#### ARCHITECTURAL GUIDELINES

These Revised and Restated Architectural Guidelines are made by the Board of Directors of the Association pursuant to (a) the Declaration of Covenants and Restrictions of the Westgate Townhouses Home Owners Association, Inc., as amended or restated from time to time, and (b) the Bylaws of the Westgate Townhouses Home Owners Association, Inc., as amended or restated from time to time.

These Revised and Restated Architectural Guidelines amend and replace those certain Architectural Guidelines of the Association recorded June 28, 2016, in the real property records of Tarrant County, Texas under County Clerk's Instrument Number: D216140827.

These Revised and Restated Architectural Guidelines shall be effective when recorded in the real property records of Tarrant County, Texas.

#### DEFINITIONS

Unless otherwise stated herein, capitalized words and terms used in this instrument have the same meanings as such capitalized words and terms are defined in the Declaration and Bylaws.

The terms "**Declaration**" or "**Declarations**" collectively refers to the: Declarations of Covenants And Restrictions, recorded August 14, 1972 in volume 5206, page 23 et seq, Real Property Records of Tarrant County, Texas, Amendment To Declaration of Covenants and Restrictions, recorded May 31, 1973 in volume 5460, page 300 et seq, Real Property Records of Tarrant County, Texas, Second Amendment To Declaration of Covenants And Restrictions, recorded under Clerk's Instrument Number D197183776, Real Property Records of Tarrant County, Texas, Third Amendment To Declaration, of Covenants and Restrictions, dated August 28, 2008, recorded November 24, 2008 under Clerk's Instrument Number D208436825, and all amendments to the above referenced instruments further amending the aforementioned documents, recorded after date hereof in the Tarrant County Real Property Records.

The term "**Association**" means the Westgate Townhouses Home Owners Association, Inc. a Texas non-profit corporation, doing business as Turtle Rock Homeowners Association.

The term "**Bylaws**" collectively refers to those certain written Bylaws of Westgate Townhomes Home Owners Association, Inc. as amended by the First Amendment to Bylaws and as further amended by that Second Amendment to Bylaws of Westgate Townhouses Home Owners Association, Inc. d/b/a Turtle Rock Homeowners Association, all being recorded June 28, 2016, in the real property records of Tarrant County, Texas under County Clerk's Instrument Number D216140827.

The terms “**Board**” or “**Board of Directors**” means the Board of Directors of the Association as more particularly described in the Declaration and Bylaws.

The term “**Subdivision**” has the same meaning as the word Properties is used in the Declarations.

The term “**Common Area and Facilities**” has the same meaning as the term Common Properties is used in the Declaration.

The term “**Living Unit**” has the same meaning as the word Lot is used in the Declarations and has the same meaning as Townhouse and home as referenced in the Declarations.

The term “**Improvements**” means any structure, building, or fixture permanently attached to the land, and includes, but is not limited to a Living Unit.

The term “**ACC**” means Architectural Control Committee as referenced in the Declarations. Pursuant to the requirements under the Declaration and the Bylaws, and in compliance with Section 209.00505 of the Texas Property Code: (i) the ACC will be composed of three (3) persons who are appointed by the Board, any of whom may be removed by majority vote of Directors at a Meeting of Directors where a quorum of Directors is present, (ii) no Director nor spouse of a Director, nor person residing in a Director’s household shall be eligible to serve as a member of the ACC, (iii) any denial by the ACC of proposed Improvements or renovations to the Owner’s Lot or Living Unit shall describe the basis for such denial in reasonable detail, and any changes the ACC requires as a condition to approving the Owner’s planned construction, (iv) notify the Owner in the event of ACC denial of the Owner’s right to an appeal hearing with the Board of the ACC’s denial which must be requested in writing within 30 days from the date the ACC’s notice of its denial is sent to the Owner, (v) allow either the requesting Owner or Board a postponement of the appeal hearing up to 10 days, (vi) allow the requesting Owner or the Board to audio record the appeal hearing, but not to video record or photograph any person appearing at the appeal hearing, and (vii) the Board may affirm, modify or reverse, in whole or in part, any decision of the ACC so as to be consistent with the Declaration.

## **ARTICLE I**

### **INSTALLATION OF RAIN BARRELS OR RAINWATER HARVESTING SYSTEMS**

**1.01. Guidelines:** These Architectural Guidelines For The Installation Of Rain Barrels or Rainwater Harvesting Systems are promulgated in accordance with Texas Property Code Section 202.007 and supersede any guidelines relating to the regulation of rain barrels or rainwater harvesting systems that may have previously been in effect.

**1.02. Systems:** Rain barrels or rainwater harvesting systems and related system components (collectively, “Rain Harvesting System”) may be installed only after receiving written approval from the ACC. Approval will not be unreasonably withheld, conditioned, or delayed as long as the installation complies with the provisions of these Guidelines.

(a) No Rain Harvesting System may be installed on or within Common Area and Facilities or any area maintained by the Association.

(b) Under no circumstances may a Rain Harvesting System be installed or located in or on any area within a Lot that is between the front of the Owner's Living Unit and an adjoining or adjacent street.

(c) Any Rain Harvesting System approved by the ACC must be located within the fenced yard or back patio of the Owner's Lot.

(d) Any Rain Harvesting System approved by the ACC must not be visible from the street, another Owner's Lot, or the Common Area and Facilities.

**1.03. Components:** Other than gutters and downspouts conventionally attached to a Living Unit or appurtenant Improvement, all components of a Rain Harvesting System, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes, or hoses must be substantially screened from public view from any street or Common Area and Facilities. Screening may be accomplished by one of the following:

(a) placing equipment behind a solid fence, a structure, or vegetation;

(b) burying the tanks or barrels; or

(c) placing equipment in an outbuilding approved by the ACC.

**1.04. Exceptions:** A rain barrel may be placed in a location that is visible from a street or Common Area and Facilities only if the configuration of the guttering system on the Owner's Living Unit precludes screening as described in Section 1.03, and the following restrictions are met:

(a) the barrel does not exceed fifty-five (55) gallons;

(b) the barrel is installed in close proximity to the Owner's Living Unit on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle;

(c) the barrel is fully painted in a single color to blend with the adjacent Living Unit, fence, or vegetation; and

(d) any hose attached to the barrel discharge is neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.

**1.05. Overflow:** Overflow lines from a Rain Harvesting System must not be directed onto or adversely affect adjacent Living Units or Common Area and Facilities.

**1.06. Color:** A Rain Harvesting System must be of a color that is consistent with the color scheme of the Owner's Living Unit and may not contain or display any language or other content that is not typically displayed on the Rain Harvesting System as manufactured.

**1.07. Closures:** Inlets, ports, vents, and other openings must be sealed or protected with mesh to prevent children, animals, and debris from entering the Rain Harvesting System. Open top storage containers are not allowed.

**1.08. Use:** Harvested water must be used and not allowed to become stagnant or a health threat.

**1.09. Responsibility:** A Rain Harvesting System must be properly maintained at all times by the Owner or removed by the Owner.

## ARTICLE 2

### INSTALLATION OF SOLAR ENERGY DEVICES

**2.01. Guidelines:** These Architectural Guidelines for the Installation of Solar Energy Devices ("Guidelines") are promulgated in accordance with Texas Property Code Section 202.010 and supersede any guidelines relating to the regulation of solar energy devices that may have previously been in effect.

**2.02. Equipment:** Solar energy devices, including any related equipment or system components (collectively, "Solar Panels"), may be installed only after receiving written approval from the ACC. Approval will not be unreasonably withheld, conditioned, or delayed as long as the installation complies with the provisions of these Guidelines.

(a) Solar Panels may not be installed on or within a Common Area and Facilities or any area maintained by the Association.

(b) Solar Panels may be installed only on designated locations on the roof of the Owner's Living Unit, or any other Improvement located on the Owner's Lot, permitted under any of the Restrictions, or within any fenced rear-yard or fenced-in patio of an Owner's Lot.

(c) If located on the roof of the Owner's Living Unit, Solar Panels must be located on the roof facing away from the nearest road or street, unless the Owner demonstrates that the location decreases the estimated annual energy production of the Solar Panels, as determined by using a publicly available modeling tool provided by the Natural Renewable Energy Laboratory (or its successor), by more than ten percent (10%) above the energy production of the Solar Panels.

**2.03. Requirements: Roof Mounted.** If located on the roof of the Owner's Living Unit, Solar Panels must meet the following requirements:

(a) they must not extend higher than or beyond the roofline;

- (b) they must conform to the slope of the roof;
- (c) they must have a top edge that is parallel to the roofline; and
- (d) they must 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 that blends with the color of the roof to the greatest extent possible.

**2.04. Requirements: Yard Mounted.** If located in the fenced rear-yard or fenced-in patio, Solar Panels must not be taller than the fence line.

**2.05. Approval:** The ACC may deny a request for the installation of Solar Panels if it is determined in 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 ACC will approve a request for the installation of Solar Panels if (a) the installation meets all other requirements contained in these Guidelines and (b) the ACC determines that the placement of the Solar Panels as proposed by the Owner complies with applicable requirements of the Texas Property Code.

**2.06. Responsibility:** Any installation of Solar Panels that voids material warranties is not permitted and will be cause for the Solar Panels to be removed by the Owner. Furthermore:

- (a) Solar Panels must be properly maintained at all times or removed by the Owner.
- (b) Solar Panels that become non-functioning or inoperable must be removed by the Owner.

**2.07. Prohibitions:** Solar Panels are prohibited if a court of competent jurisdiction determines that their installation violates any laws or threatens the public health of safety.

**2.08.** Subject to the approval by the ACC, roofing shingles providing heating or cooling efficiencies greater than those of customary composite shingles, or that generate solar energy may be installed provided they: (a) resemble shingles approved for use by the ACC, (b) are more durable and are equal to or superior to customary composite shingles, and (c) match the aesthetics of other roofs surrounding such Owner's Lot.

## **ARTICLE 3**

### **INSTALLATION OF FLAGPOLES AND THE DISPLAY OF FLAGS**

These Architectural Guidelines for the Installation of Flagpoles and the Display of Flags ("Guidelines") are promulgated in accordance with Texas Property Code Section 202.012 and supersede any guidelines relating to the installation of flagpoles or flag display that may have previously been in effect.

#### **3.01. Committee Approval:**

(a) **Not required:** Advance written approval from the ACC is not required for displaying the following flags in compliance with these Guidelines (each a “Permitted Flag” and collectively “Permitted Flags”);

- (1) the flag of the United States of America;
- (2) the flag of the State of Texas; and
- (3) an official or replica flag of any branch of the United States armed forces.

(b) **Required:** Advance written approval from the ACC is required for the following:

- (1) the display of flags, pennants, banners, kits, or similar types of displays other than Permitted Flags, if the display is visible from a street or Common Area and Facilities;
- (2) the installation of any freestanding flagpole; and
- (3) the installation of any illumination associated with the display of any flag, including Permitted Flags.

### **3.02. Guidelines for Displaying Flags.**

(a) **Generally;**

- (1) Flags must be displayed from a flagpole. Flags may not be draped over or directly attached to any Improvement. For example, a Permitted Flag may not be laid across a fence, stapled to a garage door, or attached to any tree or other vegetation.
- (2) Only one flag may be displayed on a flagpole attached to an Improvement. Up to two (2) flags may be displayed on an approved freestanding flagpole that is at least fourteen feet (14') tall.
- (3) The display of any flag must comply with applicable zoning ordinances, easements, and setbacks of record.
- (4) Any flag flown or displayed on a freestanding flagpole may be no smaller than three feet (3') by five feet (5') in size, and no larger than four feet (4') by six feet (6') in size.
- (5) Any flag flown or displayed on a flagpole attached to an Improvement may be no larger than three feet (3') by five feet (5') in size.

(6) A displayed flag must be maintained in good condition at all times. Any flag that is deteriorated must be replaced or removed.

(b) **United States Flag:** The flag of the United States must be displayed from a flagpole in accordance with 4 U.S.C. Sections 5-10.

(c) **Texas Flag:** The flag of the State of Texas must be displayed from a flagpole in accordance with Chapter 3100 of the Texas Government Code.

(d) **Illumination of Flags:** The illumination of a flag is allowed as long as it does not create a disturbance to other Owners in the Subdivision. Solar-powered, pole-mounted light fixtures are preferred as opposed to ground-mounted light fixtures. Compliance with all municipal requirements for electrical ground-mounted installation must be certified by the Owner. Flag illumination may not shine into another Living Unit. Neighbor complaints about flag illumination are a basis to prohibit further illumination until the Owner resolves the complaint.

### **3.03. Guidelines for Flagpoles**

(a) Use: Flagpoles are allowed solely for the purpose of displaying flags. If a flagpole is no longer used on a daily basis, it must be removed.

(b) Number: Only one flagpole is allowed per Lot.

(c) Location:

(1) The location of flagpoles must comply with applicable zoning ordinances, easements, and setbacks of record.

(2) Any freestanding flagpole must be located in an area that is set back from all property boundaries a distance at least equal to the height of the flagpole.

(3) Flagpoles may not be installed in Common Area and Facilities, or property maintained by the Association.

(d) Installation:

(1) A flagpole can either be securely attached to the face of an Improvement or be a freestanding flagpole.

(2) A flagpole attached to an Improvement may not exceed six feet (6') in length and must be securely attached with a bracket with an angle of thirty degrees (30°) to forty-five degrees (45°) down from vertical. The flagpole must be attached in a way that does not damage the Improvement.

(3) A freestanding flagpole may not extend higher than or beyond the roofline of the adjacent Improvements or twenty feet (20') in height (inclusive of any ornamental caps), whichever is less.

(4) 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 about noisy halyards are a basis to have a flag removed until the Owner resolves the complaint.

(e) Construction: All flagpoles must be constructed of permanent, long-lasting materials. The materials used for flagpoles must be harmonious with the Improvement and have a finish appropriate to the materials used in the construction of the flagpole.

(f) Maintenance: Flagpoles must be maintained in good condition at all times. Any flagpole that is structurally unsafe or deteriorated must be repaired, replaced, or removed.

## **ARTICLE 4**

### **DISPLAY OF CERTAIN RELIGIOUS ITEMS**

These Architectural Guidelines for the Display of Certain Religious Items are promulgated in accordance with Texas Property Code Section 202.018 and supersede any guidelines relating to the display of certain religious items that may have previously been in effect. An Owner may display or attach to the Owner's Lot or Living Unit one or more religious items that display the Owner's or resident's sincere religious belief and such religious items meet all of the requirements stated below:

- (a) does not threaten public health or safety;
- (b) does not violate any law, other than a law prohibiting the display of religious speech;
- (c) does not contain language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
- (d) is not on any Common Area and Facilities;
- (e) does not violate any applicable building line, right of way, setback, or easement; and
- (f) is not attached to any traffic control device, streetlamp, fire hydrant, or utility sign, pole, or fixture.



## ARTICLE 5

### DISPLAY OF POLITICAL SIGNS

These Architectural Guidelines for the Display of Political Signs are promulgated in accordance with Texas Property Code Section 202.009 and supersede any guidelines relating to the display of political signs that may have previously been in effect.

#### 5.01. Length of Display.

- (a) Signs may not be erected before the 90th day before the date of the election to which the sign relates.
- (b) Signs must be removed before the 10th day after the election date.

#### 5.02. Requirements.

- (a) Signs must be ground-mounted
- (b) Only one sign for each candidate or ballot item may be displayed.
- (c) Signs may not contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component.
- (d) Signs may not be attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object.
- (e) Signs may not be larger than four feet (4') by six feet (6').

**5.03. Location:** Signs may only be erected on the Owner's Lot. No sign may be erected on Common Areas and Facilities.

**5.04. Prohibitions:** To the extent allowed by applicable laws, any displayed or erected political signs are prohibited if a court of competent jurisdiction determines that the political signs do any of the following:

- (a) threaten public health or safety;
- (b) violate any laws;
- (c) contain language, graphics, or any display that would be offensive to the ordinary person; or
- (d) is accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.

**5.05. Removal:** The Association may remove a sign displayed in violation of this Article 5.

## **ARTICLE 6**

### **INSTALLATION OF STANDBY ELECTRIC GENERATORS**

**6.01. Guidelines:** These Architectural Guidelines for Standby Electric Generators are promulgated in accordance with Texas Property Code Section 202.019 and supersede any previously made guidelines relating to standby electric generators.

**6.02. Defined:** Standby Electric Generator means a device that: (i) converts mechanical energy to electrical energy, (ii) powered by natural gas, liquefied petroleum gas, diesel fuel, bio-diesel fuel, or hydrogen, (iii) fully enclosed in an integral manufacture-supplied sound attenuating enclosure, (iv) connected to the main electrical panel of the residence by a manual or automatic transfer switch, and (v) rated for a generating capacity of not less than seven (7) kilowatts.

**6.03. Requirements:** No Standby Electric Generator may be installed by any Owner unless first approved in writing by the ACC, and the following requirements are satisfied: (a) all equipment must be installed and maintained in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical and building codes, (b) installed only by a licensed electrical contractor, (c) all electrical and fuel line connections must comply with applicable health, safety, electrical building codes, and for liquefied gas petroleum, approved by the Texas Railroad Commission, (d) the generator, its electrical lines and fuel lines shall be maintained in good condition and repair, and be safe for operation, and (e) all equipment must be screened with materials approved by the ACC, and located on the Owner's Lot so that the generator and all accessories to it are not visible from the street or an adjoining Lot.

**NOTICE OF FILING DEDICATORY INSTRUMENTS  
 FOR WESTGATE TOWNHOUSES HOME OWNERS ASSOCIATION, INC.**

STATE OF TEXAS

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COUNTY OF TARRANT

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This NOTICE OF FILING OF DEDICATORY INSTRUMENTS FOR WESTGATE TOWNHOUSES HOME OWNERS ASSOCIATION, INC. in accordance with Texas Property Code Section 202.006 ("Notice") is made this 6 day of June, 2022, by Westgate TownHouses Home Owners Association, Inc. d/b/a Turtlerock Homeowners Association, (the "Association").

The Association is the property owners' association created to manage and regulate the development more particularly described in: Declaration of Covenants and Restrictions, dated August 10, 1972 recorded August 14, 1972 in Volume 5296, page 23 et seq, Deed Records of Tarrant County, Texas, Amendment to Declarations of Covenants and Restrictions dated May 4, 1973 recorded May 31, 1973 in Volume 5460, page 300 et seq, Deed Records of Tarrant County, Texas, Second Amendment to Declaration of Covenants and Restrictions, recorded under Clerk's Instrument Number D197183776, Deed Records of Tarrant County, Texas, Third Amendment to Declaration of Covenants and Restrictions, dated August 28, 2008, recorded November 24, 2008 as Instrument No. D208436825, Deed Records of Tarrant County, Texas, and as may be subsequently amended after date hereof (collectively the "Declaration"), which development is more particularly described in the Declaration.

Texas Property Code Section 202.006 provides that a property owners' association must file each dedicatory instrument governing the association that has not been previously recorded in the real property records of the county where the development is located.

Texas Property Code Section 202.006(b), effective January 1, 2012, provides that a dedicatory instrument has no effect until the instrument is filed of record in the real property records of the county where the development is located.

WHEREAS, the Association's Board of Directors previously adopted certain policies and guidelines, recording the same: (a) Notice of Filing Management Certificate and Dedicatory Instruments on June 24, 2015, under Clerk's Instrument Number D215136237, Real Property Records of Tarrant County, Texas, and (b) Notice of Filing Bylaws, Management Certificate and Architectural Guidelines on June 28, 2016, under Clerk's Instrument Number D216140827, Real Property Records of Tarrant County, Texas;

WHEREAS, legal counsel for the Association's Board of Directors has amended and revised its previously recorded: Assessment Collection Policy, Payment Plan Policy, Document Retention Policy, Records Production and Copying Policy, and Architectural Guidelines for Installation of Rain Barrels and Rainwater Harvesting Systems, for Installation of Solar Panels, for Installation of Flagpoles and Display of Flags, for Display of Religious Items and for Display of Political Signs;

WHEREAS, the Association's Board of Directors has approved and adopted the revised and amended "Policies and Guidelines" prepared by its legal counsel and is recording with this Notice of Filing true and correct copies of the following listed Policies, Guidelines and Rules of the Association, all being attached hereto and made a part hereof: (1) Revised and Restated Architectural Guidelines for Installation of Rain Barrels or Rain Harvesting Systems, Installation of Solar Energy Devices, Installation of Flagpoles and Display of Flags, Display of Certain Religious Items, Display of Political Signs, and Installation of Standby Electric Generators, (2) Revised and Restated Policies for Assessment Collection Policy, Payment Plan Policy, Document Retention Policy, Records Production and Copying Policy, and (3) Common Ground Rules, Turtlerock Clubhouse and Rental Rules, Shared Tennis Courts and Basketball Goal Area Rules, Swimming Pool Rules, and Duck Pond/ Common Ground Rules.

NOW, THEREFORE, the Dedicatory Instruments attached hereto are true and correct copies of the originals and are hereby filed of record in the Real Property Records of Tarrant County, Texas, in accordance with the requirements of Texas Property Code Section 202.006, and Section 209.004.

EXECUTED as of June 6, 2022.

WESTGATE TOWNHOUSES HOME  
OWNERS ASSOCIATION, INC., a Texas  
nonprofit corporation, d/b/a Turtlerock  
Homeowners Association

By: Steve Yancey  
Name: Steve Yancey  
Title: President

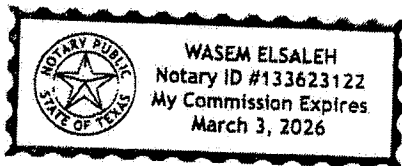
STATE OF TEXAS

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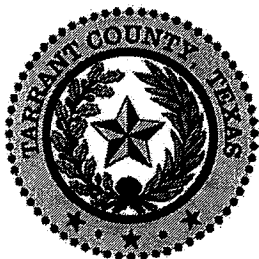
COUNTY OF TARRANT

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared Steve Yancey, President, of Westgate Townhouses Home Owners Association, Inc., known to me to be the person and Officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed it for the purposes and consideration expressed, and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 6<sup>th</sup> day of June 2022.



Waseem Elsaleh  
Notary Public – State of Texas  
My Commission Expires 03, 03, 2026



**Mary Louise Nicholson**  
**Tarrant County Clerk**

100 W. Weatherford  
Fort Worth, TX 76196

(817) 884 - 1195

wm-countyclerk@tarrantcounty.com

**OFFICIAL RECEIPT**

RECEIPT NUMBER	DATE
5643854	06/09/2022 12:15:28 PM

**Issued to:** COTTEN SCHMIDT LLP  
100 ENERGY WAY STE 2000  
FORT WORTH, TX 76102

**For Payment of:**

Type	Pages	Reference #	Fees
1 NOTICE	38	D222148266	\$167.00
<b>Total:</b>			<b>\$167.00</b>

**Amount Paid:** \$167.00  
**Change:** \$0.00

Method of Payment:	Reference Number:	Amount:
Check	55640	\$167.00

THANK YOU  
Mary Louise Nicholson  
County Clerk  
*Recording life's events since 2011*

Clerk: Carol R



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Scan the QR Code and let us know how our service was today.