

TO  
NOTICES OF FILING OF DEDICATORY INSTRUMENTS  
FOR  
HERITAGE RANCH

[Design Guidelines Amendments; Club Revenue & Expense Policy]

STATE OF TEXAS           §  
  §           **KNOW ALL MEN BY THESE PRESENTS:**  
COUNTY OF COLLIN       §

**THIS AMENDMENT TO NOTICES OF FILING OF DEDICATORY INSTRUMENTS FOR HERITAGE RANCH** (this "Amendment") is made this 15 day of March 2018, by The Homeowners Association of Heritage Ranch, Inc. (the "Association").

**WITNESSETH:**

**WHEREAS**, U.S. Home Corporation ("Declarant") prepared and recorded an instrument entitled "First Amended and Restated Declaration of Covenants, Conditions and Restrictions for Heritage Ranch" filed of record on or about March 15, 2001, and refiled on March 20, 2001, as Instrument No. 2001-0029029, at Volume 04879, Page 01570 *et seq.*, of the Real Property Records of Collin County, Texas, as amended and supplemented (the "Declaration"); and

**WHEREAS**, Section 202.006 of the Texas Property Code 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 in which the planned development is located; and

**WHEREAS**, on or about November 13, 2002, the Association filed a Notice of Filing of Dedicatory Instruments for Heritage Ranch at Volume 05296, Page 04427 *et seq.* of the Real Property Records of Collin County, Texas (the "Notice"); and

**WHEREAS**, on or about February 4, 2003, the Association filed a "First Supplement to Notice of Filing of Dedicatory Instruments for Heritage Ranch" in Volume 5349, Page 005817 *et seq.* of the Real Property Records of Collin County, Texas (the "First Supplement"); and

**WHEREAS**, on or about December 23, 2003, the Association filed a Second Supplement to Notice of Filing of Dedicatory Instruments for Heritage Ranch at Volume 5571, Page 000035 *et seq.* of the Real Property Records of Collin County, Texas (the "Second Supplement"); and

**WHEREAS**, on or about October 22, 2004, the Association filed a First Amendment to Notice of Filing of Dedicatory Instruments for Heritage Ranch at Volume 5780, Page 03187 *et seq.* of the Real Property Records of Collin County, Texas (the "First Amendment"); and

**WHEREAS**, on or about August 8, 2005, the Association filed a Corrected First Supplement to Notice of Filing of Dedicatory Instruments for Heritage Ranch at Volume 5976, Page 00016 *et seq.* of the Real Property Records of Collin County, Texas (the "Corrected First Supplement"); and

**WHEREAS**, on or about November 9, 2005, the Association filed a Third Supplement to

Notice of Filing of Dedicatory Instruments for Heritage Ranch at Volume 06042, Page 03874 *et seq.* of the Real Property Records of Collin County, Texas (the "Third Supplement"); and

**WHEREAS**, on or about October 28, 2009, the Association filed a Second Amendment to Notice of Filing of Dedicatory Instruments for Heritage Ranch as Document No. 20091028001317340 of the Real Property Records of Collin County, Texas (the "Second Amendment"); and

**WHEREAS**, on or about January 30, 2012, the Association filed a Fourth Supplement to Notice of Filing of Dedicatory Instruments for Heritage Ranch as Document No. 20120130000100000 of the Real Property Records of Collin County, Texas (the "Fourth Supplement"); and

**WHEREAS**, on or about October 16, 2012, the Association filed a Fifth Supplement to Notice of Filing of Dedicatory Instruments for Heritage Ranch as Document No. 20121016001311940 of the Real Property Records of Collin County, Texas (the "Fifth Supplement") and

**WHEREAS**, on or about March 4, 2014, the Association filed a Supplement and Amendment to Notice of Filing of Dedicatory Instruments for Heritage Ranch as Document No. 2014000304000197150 of the Real Property Records of Collin County, Texas (the "Supplement/Amendment") and

**WHEREAS**, on or about April 23, 2015, the Association filed a Second Supplement and Amendment to Notice of Filing of Dedicatory Instruments for Heritage Ranch as Document No. 20150423000460620 of the Real Property Records of Collin County, Texas (the "Second Supplement/Amendment") and

**WHEREAS**, on or about March 16, 2016, the Association filed an Amendment to Notices of Filing of Dedicatory Instruments for Heritage Ranch as Document No. 20160316000311070 of the Real Property Records of Collin County, Texas (the "Amendment"); and

**WHEREAS**, on or about March 3, 2017, the Association filed a Supplement and Amendment to Notices of Filing of Dedicatory Instruments for Heritage Ranch as Document No. 20170303000279520 of the Real Property Records of Collin County, Texas (the "Amendment"); and

**WHEREAS**, the Association desires to amend the Residential Design Guidelines originally recorded by the Third Supplement by recording the Design Guidelines Amendments attached hereto as *Exhibit "A"* and incorporated herein by reference; and

**WHEREAS**, the Association desires to amend the Fourth Supplement by replacing Exhibit 51 attached to the Fourth Supplement with the Heritage Ranch Club Revenue & Expense Policy attached hereto as *Exhibit "B"* and incorporated herein by reference.

**NOW, THEREFORE**, the dedicatory instruments attached hereto as *Exhibits "A and B"* are true and correct copies of the originals and are hereby filed of record in the Real Property Records of Collin County, Texas, in accordance with the requirements of Section 202.006 of the

Texas Property Code.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed by its duly authorized agent as of the date first above written.

**THE HOMEOWNERS ASSOCIATION OF HERITAGE RANCH, INC., a Texas non-profit corporation**

By: *Tony Trevino*

Printed Name: Tony Trevino

Title: General Manager

**ACKNOWLEDGMENT**

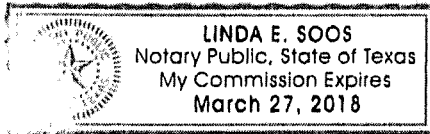
STATE OF TEXAS       §  
                                      §  
COUNTY OF COLLIN   §

BEFORE ME, the undersigned authority, on this day personally appeared Tony Trevino, General Manager of The Homeowners Association of Heritage Ranch, Inc., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed on behalf of said corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this 15 day of March 2018.

*Linda E Soos*  
Notary Public - State of Texas  
3/27/2018  
My Commission Expires

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**Dedicatory Instruments**

Exhibit "A" Design Guidelines Amendments

Exhibit "B" Heritage Ranch Club Revenue & Expense Policy

## Design Guidelines Amendments

### New Guidelines

New Guideline to be added as number 20 to Section III, 3.B, Architecture, page 13

#### **Lightning Protection Systems**

Lightning protection systems may be approved by the ARC subject to the following conditions:

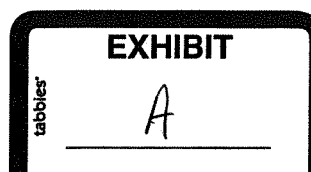
- The bonding conductor cables shall be non-reflective and blend with the roofing material.
- The terminals and conductor cables shall be securely attached to the roof and maintained in that state following installation.
- The system shall be installed along ridges, hip lines, valleys, gutters and down spouts to minimize view from the neighboring dwellings, yards and streets and the golf course.

New Guideline to be added as number 21 to Section III, 3.B, Architecture, page 13

#### **Safety Hand Rails on Exterior Steps of Porches and Patios**

ARC approval is required prior to installation of Safety Handrails on exterior steps of Porches and Patios, and is subject to the following construction requirements and compatibility with the exterior design of the home.

- Hand Rails shall be constructed of 1 ½" diameter tubing of either aluminum or steel, and have returns to the supporting posts. The posts shall be installed with concrete footing.
- Hand Rails shall be 36" above the level of the grade or surface of the location of the installation.
- Supporting posts shall be 1 ½" square tubing of either aluminum or steel.
- Hand Rails and supporting posts shall be painted black similar to the paint on fences and mailboxes at Heritage Ranch.



## Amendments to existing Guidelines

### **Patios**

Amendment to existing Guideline to be inserted between first and second paragraph of the section entitled **Patios**, Section III.B, Architecture, Article 12, Page 12.

### **Addition**

ARC approval is required for all materials used for covering patio or porch roofs. The material must be compatible with the exterior design of the home and is subject to the following guidelines.

- Pergolas may have non-reflective polycarbonate sheeting, either clear or gray tinted to provide shade and rain protection.
- Porches shall have a roofing material that matches the existing roof of the dwelling. It is not recommended that shingles be installed on a slope less than 4 in 12.
- For slopes less than 4 in 12 a self-adhesive non-reflective roll roofing material with a fine aggregate coating the exact color and texture of the existing roof may be approved by the ARC.
- For roof slopes 4 in 12 or less built-up roofing covered with mastic applied shingles matching the existing roofing on the house may be considered by the ARC.

### **Exterior Lighting**

Delete the Current Guideline of the section entitled **Exterior Lighting**, Section III.B, Architecture, page 13, Article 16, Page 13. Replace with the following:

#### **Exterior Lighting**

ARC approval is required prior to changing or adding exterior lighting. In reviewing lighting requests, the ARC will consider the visibility, style, location and quantity of the light fixtures. Landscape lighting fixtures shall be dark colored so as to be less obtrusive and shall be as small in size as is reasonably practical. All lighting shall be compatible with the architecture of the residence.

All in ground-up landscape lighting in the yard (except porches) shall be low pressure sodium type. Lighting for walkways generally should be directed toward the ground. Colored lights, other than Low Pressure sodium lights or yellow "bug lights", will not be approved. Exterior lighting shall not produce glare or direct illumination across a property line of an intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property.

In accordance with the applicable City of Fairview Lighting Ordinance and/or as approved by the ARC, the Association shall be responsible for monitoring and controlling exterior lighting within the Heritage Ranch Community which shall be of harmonious design and

shall give strong emphasis to preserving the natural night environment by the use of lights, which minimize light pollution, reduce glare and conserve energy. All reasonable methods to support these objectives include but are not limited to the following:

- a) Use of exterior lighting fixtures which are of a down light design except for ornamental lighting, landscape lighting and other lighting specifically approved by the HOA and the Town.
- b) Maximum use of full-cutoff type fixtures which do not emit direct light above the plane of the lowest light emitting part of the fixture.
- c) Use of low-pressure sodium type lights when so approved.
- d) Use of bulbs and fixtures with lower rated light output consistent with the needs of the specific lighting application.
- e) Careful placement of lights with appropriate lighting angles to avoid undue concentration of lights or unnecessary upward directed light emissions.

### **Solar Energy Devices**

Amendment to existing Guideline to delete and replace specific verbiage in subparagraph c. (2) of the amendment to the section entitled **Energy Conservation**, Section III.B, Architecture, Article 18, Page 13, as amended.

#### **Current Guideline**

Page 13 of 22 – Paragraph B **Architecture** of the Residential Guidelines, subparagraph 18.

#### **Original Guideline**

The use of energy conservation techniques is encouraged when appropriate. Site planning and landscape design for energy conservation is encouraged. The use of colored solar panels on facades adjacent to the golf course, open space or public amenity space may be restricted.

#### **Amendment 9/26/2011**

The following paragraph added:

“A Request for Modification may be submitted to the ARC for solar energy devices. A solar energy device is a system, or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar generated energy. This definition includes mechanical or chemical devices that can store solar generated energy for heating, cooling or production of power. The following requirements apply for ARC approval:

- a. The device cannot violate the law or threaten public health or safety.
- b. The device cannot be located in a common area or on property maintained by the HOA.
- c. The device may be installed on the homeowners roof but must comply with the following:

- 1) When installed on the roof, the device cannot extend higher than the roofline.
- 2) The device must be located in an area of the roof approved by ARC.
  - a) In case of location conflict, the ARC may approve a roof location when the energy production in the homeowner requested location is 10% higher than the ARC approved location. The 10% higher determination must be based on a publicly available modeling tool provided by the National Renewable Energy Laboratory. The homeowner will provide the modeling tool results to the ARC and bear the cost of the modeling tool.
  - b) The device must conform to the slope of the roof and the top edges of the device must be parallel to the roofline.
  - c) The frame, support brackets and visible piping/wiring must be color consistent with the roof color.

A device may be installed in rear or side yards. The device may not exceed the approved HOA fence height of 48 inches from ground to top of the device. The device must be shielded from the view of neighbors, the street, common areas and the golf course by ARC approved shrubs with year round leaves/needles.

A copy of the agreement between the homeowner and provider of electrical power to Heritage Ranch for repurchase of excess electrical energy generated by the device must be attached to the Request for Modification.

The HOA may direct that solar devices not approved by the ARC be removed at the homeowner's expense."

### **Replacement**

Delete the wording of section c. (2) of the 9/2011 amendment that reads "The device must be located in an area of the roof approved by the ARC". Replace with the following:

The device must be located on the back of side of the roof as approved by the ARC and may not emit a visible glare to the street or the view of neighbors.

### **Satellite Dishes and Antennas**

Delete the Current Guideline, Section III.C, Lifestyle Accessories, page 14, Article 10, entitled **Satellite Dishes and Antennas**. Replace with the following:

#### **Satellite Dishes**

Satellite dishes larger than one (1) meter in diameter are prohibited. The satellite dish shall be placed only on the roof of the property. The satellite dish shall be installed on the rear or side of the roof in a location that is least visible from the street or neighboring properties.



Note: Change the name of the Guideline to **Satellite Dishes**, and delete the reference to antennas in CC&R Section 9, 12. Applications for antennas will be evaluated under the CC&R Regulations.

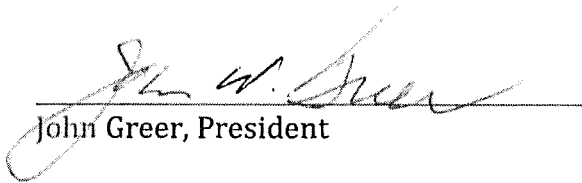
**Latticework**

Delete the Current Guideline, Section III.C, Lifestyle Accessories, page 14, Article 5, entitled **Latticework**. Replace with the following.

**Latticework**

Attached latticework or garden trellis may be installed only with approval of the ARC and provided it is an integral part of the landscaping and complementary to the exterior materials of existing structures. Freestanding latticework may not be installed within any rear or side yard setback as stated in Section III, Article B, Architecture, Subparagraph 14, Alterations, Additions and Expansions.

Approved by the Heritage Ranch Board of Directors  
March 5, 2018

  
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John Greer, President

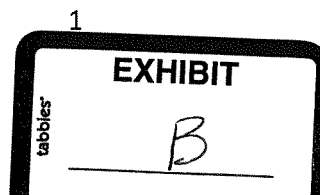
**HERITAGE RANCH  
CLUB REVENUE & EXPENSE POLICY**

**A. General Concepts**

1. Clubs whose by-laws have been approved by the Heritage Ranch Homeowners Association (HOA) Board of Directors and are in good standing may sell tickets to their events.
2. All revenue must be recorded by the HOA. Ticket sales are subject to State Sales Tax. Therefore, tickets must be purchased from the HOA.
3. Club dues are not subject to sales tax. All other revenue must be recorded by the HOA.
4. Clubs may issue complimentary tickets at their discretion. These tickets are not subject to sales tax.
5. Event expenses approved by the club will be reimbursed by the HOA.
6. The HOA will maintain a record of club revenues and expenses and provide those records to the clubs upon their request.
7. This policy assumes that all residents have access to a computer via a home computer, Clubhouse computer, or have the ability to contact the Front Desk to purchase tickets to all major HOA events.

**B. Ticket Sales & Expense Tracking Policy**

1. All ticket sales to HOA functions must be processed through the Community Events Director and can be paid for by cash, check, or member account.
2. Any expenses incurred for a club's productions will be tracked and processed by the Community Events Director. Funds needed for pre-performance expenses will be paid by the HOA and deducted from ticket sales.
3. Net profit will be tracked by the Community Events Director and will be available to the club at any time throughout the year. Reimbursement to the club can be made based on projected future sales.
4. If at year end a club which has been designated as a "Performing Arts Club" by the Activities Committee, has unused funds from ticket sales, the funds, less any applicable sales taxes, will be credited to the Performing Arts Fund. This is a separate bank account for purchases recommended by the Ballroom Improvements Subcommittee of the Activities Committee and approved by the HOA Board.
5. Funds that are carried over from one year to another will be shown on the HOA Balance Sheet in the "Performing Arts Fund." The Performing Arts Fund, formerly known as the Ballroom Improvements Fund, is the fund set aside for the Ballroom Improvements Subcommittee of the Activities Committee to fund designated expenditures for items/equipment to enhance the Ballroom on an ongoing basis from a list of prioritized needs. The fund will also be used to cover performance rights fees (i.e., ASCAP, BMI and SEASAC). This fund is not to be used for any other purpose unless



- agreed upon by the Ballroom Improvements Subcommittee with final agreement from the Activities Committee and the HOA Board of Directors.
6. All tickets sold are subject to sales tax. The HOA will account for the taxes being collected and will file the required forms with the State.
  7. Clubs may maintain a reasonable petty cash account. In order to replenish their cash account, they will need to submit the receipts for the petty cash expended.

### **C. Club Ticket Sales Procedure**

1. **General Ticket Sales for the Entire Heritage Ranch Community**

It is the responsibility of a Club, Organization, or Paid Staff sponsoring an event to provide relevant information to the Community Events Director for the Ticket Selling System. The Community Events Director will enter all event parameters into the Ticket Selling System. This information includes but is not limited to the following:

  - \* Who can sign up for the tickets before ticket sales are opened to HR residents
  - \* When tickets will go on sale
  - \* How many tickets can be purchased
  - \* The price of each ticket
  - \* Date and time of the event
  - \* Seating Configuration
    - a. Theatre Seating (i.e., Spring Concert Series, Chorale Concerts, Theatre Guild, Variety Show)
    - b. Dining Table Seating (i.e., Trivia Night, Dinner Theatre Special Events)
    - c. Other configurations that may be specified by the Food & Beverage Director or the Community Events Director
2. If more than two residents live in a household, the Community Events Director has the capability to override the existing ticket parameters to include all members in the household.
3. If an individual purchases a table or a group of tickets, payment is the responsibility of that individual. If these tickets are to be designated to other parties, the individual purchasing the table or group of tickets can work with the Community Events Director to coordinate seating assignments and appropriate payment of booked tickets. Reservations for Heritage Ranch HOA events which are made through the website or Front Desk and involve a monetary transaction (i.e., Dances, Veteran's Day) may not be cancelled within 72 hours of the event. Tickets sold through the Heritage Ranch HOA for HR events or activities (i.e., Concert Series, Theatre Guild, Chorale) cannot be returned after purchase.
4. Private events may not be announced on the HOA ticket website.

#### **D. Annual Budget Projection**

The Community Events Director will submit budget projections for the following year to the General Manager by October 1 of each year for clubs/organizations that generate revenue through ticket sales, advertisement, or other means and incur expenses during the year. If at any time the submitted budget does not meet appropriate objectives, the Activities Committee may reserve the right to review and make recommendations to ensure that the budget adheres to Heritage Ranch standards.

#### **E. Procedure for Clubs Not Adhering to the Heritage Ranch Club Revenue & Expense Policy.**

1. All clubs that generate ticket sales and incur expenses during the year must follow the preceding guidelines and procedures stated in Sections A-D.
2. If a club does not follow stated guidelines and procedures, it is then the responsibility of the Activities Committee to recommend to the HOA Board of Directors that the club in violation give up its by-law status and become an unaffiliated group.
3. An unaffiliated group would no longer have priority for scheduling and use of the facilities for meetings or rehearsals. (Please reference the Clubhouse Use Policy.)
4. If an unaffiliated group plans to charge entry fees to meetings or performances, a room rental fee would be required for each meeting, rehearsal or performance. Clubs would incur room rental fees based on the rates provided by the Director of Catering and Events. All proceeds from ticket sales collected would belong to the group and the group would be responsible for paying all franchise and sales taxes.

Approved by the Activities Committee

Frank Seestrom, Chairman	December 14, 2009
Jim Dill, Chairman	January 11, 2010
Jim Dill, Chairman	TBD
Version A-	Approved by the HOA Board, Jan. 21, 2010
Version B-	Approved by the HOA Board, Feb. 18, 2010
Version C-	Approved by the HOA Board, Jan. 16, 2012
Version D-	Approved by the HOA Board, July 30, 2012

Anita Wormald  
Anita Wormald, Chairman  
Activities Committee

June 5 2017  
Date

Approved by the Heritage Ranch HOA Board of Directors

John Waupsh  
John Waupsh, President

6/5/2017  
Date



Filed and Recorded  
Official Public Records  
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Collin County, TEXAS  
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Stacey Kemp