

AFFIDAVIT IN COMPLIANCE WITH TEX. PROP. CODE § 202.006

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared *Natasha Tierney*, who, being by me duly sworn according to law, stated the following under oath:

“My name is *Natasha Tierney*. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

I am the President of Mission Trace Homeowners Association, a Texas non-profit corporation (the “Association”). I am also a custodian of the records for the Association and I have been authorized by the Association’s Board of Directors to sign this Affidavit.

The Association is a property owners’ association as that term is defined in *TEX. PROP. CODE § 202.001*. The Association’s jurisdiction includes, but may not be limited to, the property in Bexar County, Texas and described as:

That certain subdivision known as Mission Trace Subdivision, being the property identified and referenced in the Declaration of Covenants and Restrictions, recorded in Volume 6991, Page 193 of the Official Public Records of Bexar County, Texas, together with all amendments, supplements and annexations thereto.

Attached hereto are the originals of, or true and correct copies of, the following dedicatory instruments, including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:

*Mission Trace Homeowners Association
Resolution Adopting Solar Energy Devices Policy*

The documents attached hereto are subject to being supplemented, amended or changed by the Association. Any questions regarding the dedicatory instruments of the Association may be directed to the Association at:

Mission Trace Homeowners Association
11333 Mission Trace
San Antonio, Texas 78230
Phone: 210-696-7164
Email: missiontracehoa@gmail.com

SIGNED on this the 18th day of November, 2020.

MISSION TRACE HOMEOWNERS ASSOCIATION

By: Natasha Tiemey
Name: Natasha Tiemey
Its: President

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared .
President of the MISSION TRACE HOMEOWNERS ASSOCIATION, who, after being duly sworn, acknowledged and
stated under oath that he has read the above and foregoing Affidavit and that every factual statement contained
therein is within his personal knowledge and is true and correct.

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the
18 day of November, 2020.

Melissa Ann Gavre
NOTARY PUBLIC, STATE OF TEXAS

After Recording, Return To:
Michael B. Thurman
Thurman & Phillips, P.C.
4093 De Zavala Road
Shavano Park, Texas 78249
Phone (210) 341-2020



**MISSION TRACE HOMEOWNERS ASSOCIATION
RESOLUTION ADOPTING SOLAR ENERGY DEVICES POLICY**

STATE OF TEXAS

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KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR

WHEREAS, the Board of Directors of Mission Trace Homeowners Association (the "Association") is the established governing body of Mission Trace Subdivision subject to the Declaration of Covenants and Restrictions, recorded in Volume 6991, Page 193 of the Official Public Records of Bexar County, Texas, together with all amendments, supplements and annexations thereto (collectively, the "Declaration"), and the Bylaws of Mission Trace Homeowners Association, recorded in Volume 8391, Page 1099 of the Official Public Records of Bexar County, Texas (the "Bylaws"); and

WHEREAS, in accordance with the duties and responsibilities imposed by the Declaration, the Bylaws of the Association, and all policies, rules, and regulations duly adopted by the Association (collectively, "Governing Documents"), the Board of Directors of the Association is charged with the duty of making, establishing, and promulgating, in its discretion, policies, rules, and regulations for the interpretation and enforcement of the Governing Documents for the use and enjoyment of properties in Mission Trace Subdivision, including but not limited to, the common areas owned by the Association; and

WHEREAS, it has been determined by the Board of Directors that it is necessary to adopt a Solar Energy Devices Policy to aid in the enforcement of the Governing Documents and the application process for Owners seeking to install solar energy devices, and for the aesthetics, health, safety and welfare of the Owners, residents, visitors and guests of Mission Trace Subdivision. The Solar Energy Devices Policy is in addition to the covenants, conditions and restrictions contained in the Declaration, and supersedes any previously recorded Solar Energy Devices Policy.

THEREFORE, BE IT RESOLVED:

The Solar Energy Devices Policy attached hereto as Exhibit "A," by unanimous vote of the Board of Directors, was approved and adopted. The Solar Energy Devices Policy shall become effective when filed in the Official Public Records of Bexar County, Texas.

This Resolution Adopting Solar Energy Devices Policy is adopted this 18th day of November, 2020, by the Board of Directors of Mission Trace Homeowners Association.

MISSION TRACE HOMEOWNER ASSOCIATION

By: Natasha Tierney
Name: Natasha Tierney
Title: President

EXHIBIT "A"

**MISSION TRACE HOMEOWNERS ASSOCIATION
SOLAR ENERGY DEVICES POLICY**

This Solar Energy Devices Policy ("Solar Energy Devices Policy") of the **MISSION TRACE HOMEOWNERS ASSOCIATION** (the "Association") was duly adopted on the 18 day of November, 2020, setting forth certain policies of the Association in connection with the management of the Association and the property known as Mission Trace Subdivision ("Mission Trace") subject to the Declaration of Covenants and Restrictions, recorded in Volume 6991, Page 193 of the Official Public Records of Bexar County, Texas, together with all amendments, supplements and annexations thereto (collectively, the "Declaration"), the Bylaws of the Association and all policies, rules and regulations duly adopted by the Association from time to time (collectively, "Governing Documents").

This Solar Energy Devices Policy is adopted pursuant to the powers granted to the Association by the Governing Documents enabling the Association to adopt such policies as needed, including but not limited to, a Solar Energy Devices Policy.

The adoption of this Solar Energy Devices Policy for the purposes stated herein is in compliance with the TEX. PROP. CODE § 202.006 requiring all property owners' associations to file all Governing Documents in the real property records of each county in which the Property to which the Governing Documents relate is located. This Solar Energy Devices Policy shall become effective as of the date the Solar Energy Devices Policy is filed in the Official Public Records of Bexar County, Texas.

Capitalized terms contained herein shall have the definitions as set forth in the Declaration.

SOLAR ENERGY DEVICES POLICY

1. **Definitions.** For the purposes herein:

A. "Solar Energy Device" means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.

B. "Lot" means and refers to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area, filed for record in Volume 7100, Pages 102-105 of the Map Records of Bexar County, Texas, and any amendment thereof or additions thereto, with the exception of Common Areas.

2. **Approved Locations.** Subject to the following requirements, an Owner or resident shall be allowed to place on Owner's or resident's Lot Solar Energy Devices:

- A. on the roof of a main residential dwelling,
- B. within a fenced patio of a residential Lot, size permitting; or
- C. any other location approved by the Board of Directors, in its sole discretion.
- D. All other locations are prohibited.

If the Solar Energy Devices are mounted on a roof, the Solar Energy Devices shall:

- A. have no portion of the Solar Energy Device higher than the roof section to which it is attached;
- B. have no portion of the Solar Energy Device extend beyond the perimeter boundary of the roof section to which it is attached;
- C. conform to the slope of the roof;
- D. be aligned so the top edge of the Solar Energy Device is parallel to the roof ridge line for the roof section to which it is attached;
- E. have a frame, brackets and visible piping or wiring that is silver, bronze or black tone commonly available in the marketplace;
- F. be located in a position on the roof which is least visible from any street or Common Area, so long as such location does not reduce estimated annual energy production more than ten percent (10%) over alternative roof locations (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory [www.nrel.gov] or equivalent entity); and
- G. be subject to inspection by the Board of Directors during and after installation, and Owner shall make any corrections, modifications, or repairs if requested by the Board of Directors.

3. Installation and Maintenance. All Solar Energy Devices:

- A. must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. All necessary permits must be obtained prior to the installation; and
- B. the Solar Energy Device must be maintained in good operation and repair. Unused or inoperable solar devices must be removed.

4. Prior Submittal. No Solar Energy Device may be installed without the prior approval of the Board of Directors. Any Owner or resident desiring to install a Solar Energy Device must submit a written request to the Board of Directors for approval. Submittal forms can be obtained from the Board of Directors or, if applicable, the management company under the most current management certificate filed of record in the Official Records of Bexar County, Texas. Failure to submit may result in the Owner or resident having to modify, relocate, or remove the unapproved Solar Energy Device.

The Board of Directors may withhold approval if the Owner or resident does not comply with the requirements of this Solar Energy Devices Policy or otherwise comply with TEX. PROP. CODE § 202.010; as it may be amended, restated or replaced from time to time, or if the Board of Directors determines in writing that placement of the device as proposed by the Property Owner or resident constitutes a condition that substantially interferes with the use and enjoyment by the neighbors of their Lot by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The requesting Owner or resident may provide the written approval of the proposed placement of the device by all Property Owners of adjoining Lots to the requesting Owner's or resident's Lot, which written consent shall constitute prima facie evidence that such a condition does not exist.

5. Prohibited Installation. Installation of Solar Energy Devices may be prohibited:
- A. If the roof is structurally unsound and will not support the weight of the solar panels and will cause damage to Owner's roof or any adjacent roofs; or
 - B. by the Board of Directors if the Solar Energy Device has been adjudicated by a court:
 - (i) to threaten the public health or safety; or
 - (ii) to violate an applicable federal, state, or local law.

MISCELLANEOUS

This Solar Energy Devices Policy is in addition to, and not in substitution of, all other rules, regulations and provisions of the Association's Governing Documents, as amended, all of which remain in full force and effect unless in conflict with the terms contained herein and in which case, the Declaration and/or the Bylaws, as applicable, shall control unless in conflict with the TEX. PROP. CODE and/or other city, state or federal laws, rules or regulations.


Any failure of the Association to seek enforcement or compliance with this Solar Energy Devices Policy shall not be deemed a waiver of the rights of the Association to seek enforcement or compliance at any time thereafter. The Association shall have the discretion to vary the Policy contained herein as a result of the particular circumstances as may exist from time to time.

CERTIFICATE OF OFFICER

The undersigned certifies that the foregoing Solar Energy Devices Policy was duly approved and adopted by the Board of Directors of the MISSION TRACE HOMEOWNERS ASSOCIATION on the date first above written, and that the undersigned has been authorized by the Board of Directors to execute and record this instrument. The undersigned further certifies that the foregoing Solar Energy Devices Policy constitutes a Dedicatory Instrument under TEX. PROP. CODE § 202.006 which applies to the operation of Mission Trace, a Subdivision located in Bexar County, Texas, as hereinabove described.

Signed this 18th day of November, 2020.

MISSION TRACE HOMEOWNER ASSOCIATION

By: 
Name: Natasha Tierney
Title: President

File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

Document Number: 20200284549
Recorded Date: November 20, 2020
Recorded Time: 4:23 PM
Total Pages: 7
Total Fees: \$46.00

**** THIS PAGE IS PART OF THE DOCUMENT ****

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 11/20/2020 4:23 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk