

**SUPPLEMENTAL NOTICE OF DEDICATORY INSTRUMENTS**  
*for*  
**HOMEOWNERS ASSOCIATION OF WEST PALM VILLAS ON WALDEN ROAD, INC.**

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THE STATE OF TEXAS                   §  
  §  
COUNTY OF MONTGOMERY           §

The undersigned, being the Authorized Representative of Homeowners Association OF West Palm Villas on Walden Road, Inc. (the "Association"), a property owner's association as defined in Section 202.001 of the Texas Property Code, hereby supplements the "Notice of Dedicatory Instruments for Homeowners Association of West Palm Villas on Walden Road, Inc.", "Supplemental Notice of Dedicatory Instruments for Homeowners Association of West Palm Villas on Walden Road, Inc." and "Supplemental Notice of Dedicatory Instruments for Homeowners Association of West Palm Villas on Walden Road, Inc." filed of record in the Official Public Records of Real Property of Montgomery County, Texas under County Clerk's File Nos. 2002-121648, 2013005764 and 2016045242 ("Notice"), which Notice was filed of record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notice, the following document is a Dedicatory Instrument governing the Association:

Standby Electric Generator Policy for Homeowners Association of West Palm Villas on Walden Road, Inc.

A true and correct copy of such Dedicatory Instrument is attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Montgomery County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copy of the Dedicatory Instrument attached to this Notice is a true and correct copy of the original.

Executed on this 17<sup>th</sup> day of November, 2016.

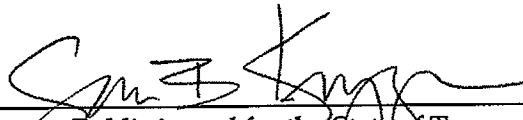
**HOMEOWNERS ASSOCIATION OF WEST PALM  
VILLAS ON WALDEN ROAD, INC.**

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

Cliff Davis, Authorized Representative

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

BEFORE ME, the undersigned notary public, on this 17<sup>th</sup> day of November, 2016 personally appeared Cliff Davis, Authorized Representative of Homeowners Association of West Palm Villas on Walden Road, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

  
\_\_\_\_\_  
Notary Public in and for the State of Texas





- 1.04. Standby Electric Generator** - A device that converts mechanical energy to electrical energy and is:
- a. powered by natural gas, liquefied petroleum gas, diesel fuel, biodiesel fuel, or hydrogen;
  - b. fully enclosed in an integral manufacturer-supplied sound attenuating enclosure;
  - c. connected to the main electrical panel of the Townhome by a manual or automatic transfer switch; and
  - d. rated for generating capacity of not less than seven (7) kilowatts.
- 1.05. Subdivision** - Collectively, the following subdivision in Montgomery County, Texas:
- a. West Palm Villas on Walden Road, Section One, a subdivision in Montgomery County, Texas according to the map or plat thereof recorded in Cabinet N, Sheet 23, of the Map Records of Montgomery County, Texas; and
  - b. West Palm Villas on Walden Road, Section Two, a subdivision in Montgomery County, Texas according to the map or plat thereof recorded in Cabinet Q, Sheet 23, of the Map Records of Montgomery County, Texas.
- 1.06. Townhome** - The single family residential dwelling situated on a Lot.

Other capitalized terms used in this policy have the same meanings as that ascribed to them in the Declaration.

## **Section 2. ACC Approval, Requirements, and Screening.**

- 2.01. ACC Approval.** The Declaration requires an Owner to submit an application for a proposed exterior improvement on the Owner's Lot and obtain the written approval of the application from the ACC prior to installation or construction. Accordingly, a Standby Electric Generator may not be installed on a Lot unless an application therefor is first submitted to and approved in writing by the ACC as to compliance with the provisions of this policy. The submission of plans must include a completed application for ACC review, a site plan showing the proposed location of the Standby Electric Generator, the type of screening to be used (if required as provided in Section 2.03., below), and a copy of the manufacturer's brochures. The ACC may not withhold approval of a Standby Electric Generator if the proposed installation meets or exceeds the provisions set forth in Section 2.02., below, and, if visible as provided in Section 2.03., below, the Standby Electric Generator is screened in the manner required by the ACC.

- 2.02. Requirements.** The installation and operation of a permanent Standby Electric Generator on a Lot is permitted, subject to the prior written approval of the ACC and compliance with the following requirements:
- a. a Standby Electric Generator must be installed and maintained in compliance with the manufacturer's specifications and applicable governmental health, safety, electrical, and building codes;
  - b. all electrical, plumbing, and fuel line connections for a Standby Electric Generator must be installed by a licensed contractor;
  - c. all electrical connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
  - d. all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for a Standby Electric Generator must be installed in accordance with applicable governmental health, safety, electrical, and building codes;
  - e. all liquefied petroleum gas fuel line connections for a Standby Electric Generator must be installed in accordance with rules and standards promulgated and adopted by the Railroad Commission of Texas and other applicable governmental health, safety, electrical, and building codes;
  - f. a nonintegral Standby Electric Generator fuel tank must be installed and maintained to comply with applicable municipal zoning ordinances and governmental health, safety, electrical, and building codes;
  - g. a Standby Electric Generator and all electrical lines and fuel lines relating to the Standby Electric Generator must be maintained in good condition;
  - h. a deteriorated or unsafe component of a Standby Electric Generator, including electrical or fuel lines, must be repaired, replaced, or removed;
  - i. periodic testing of a Standby Electric Generator must be in accordance with the manufacturer's recommendations, and may occur not more than once a week on a day other than a Sunday, between the hours of 10:00 a.m. and 4:00 p.m.; and
  - j. the preferred location of a Standby Electric Generator is:
    - i. at the rear plane of the Townhome or, if applicable, the side plane of the Townhome;
    - ii. outside (not within) any easement applicable to the Lot;
    - iii. outside (not within) the side setback lines applicable to the Lot, if any;
    - iv. adjacent to the air conditioner equipment.

However, in the event the preferred location either (i) increases the cost of installing the Standby Electric Generator by more than ten percent (10%) or (ii) increases the cost of installing and connecting the electrical and fuel lines for the Standby Electric Generator by more than twenty percent (20%), the Standby Electric Generator may be located on the Lot in a position that complies as closely as possible with the preferred location without violating either (i) or (ii) herein.

**2.03. Screening.** If a Standby Electric Generator is:

- a. visible from the street in front of the Townhome on the Lot on which it is located,
- b. located in an unfenced side yard (if any) or rear yard of the Lot and is visible either from an adjoining Lot or from adjoining property owned by the Association, or
- c. located in a side yard (if any) or rear yard of the Lot that is fenced by a wrought iron fence or residential aluminum fence and is visible through the fence either from an adjoining Lot or from adjoining property owned by the Association,

Owners are required to screen the Standby Electric Generator by brick fence, wax leaf ligustrum, loropetalum landscaping or in another reasonable manner, as determined by the ACC.

**Section 3. Prohibitions.**

**3.01. Non-Payment for Utility Service.** A Standby Electric Generator may not be used to generate all or substantially all of the electrical power to a Townhome, except when utility-generated electrical power to the Townhome is not available or is intermittent due to causes other than non-payment for utility service to the Townhome.

**3.02. Property Owned by the Association.** No Owner may install or place a Standby Electric Generator on property owned by the Association.

**Section 4. Non-Compliance.** The installation of a Standby Electric Generator that is not in compliance with the provisions of this Standby Electric Generator Policy will be considered a violation of the dedicatory instruments governing the Subdivision.

**Section 5. Property Owned or Maintained by the Association.** This Standby Electric Generator Policy does not apply to property that is owned by the Association.

*[Signature Page to Follow]*

I hereby certify that this Standby Electric Generator Policy was approved by the Board of Directors of the Association on the date set forth above and now appears in the books and records of the Association. This Standby Electric Generator Policy is effective as of the date of recording in the Official Public Records of Real Property of Montgomery County, Texas.

HOMEOWNERS ASSOCIATION OF WEST  
PALM VILLAS ON WALDEN ROAD, INC.

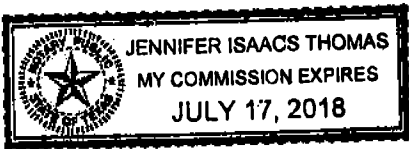
By: Harriet Kerr

Print Name: HARRIET KERR

Its: Secretary

THE STATE OF TEXAS           §  
  §  
COUNTY OF MONTGOMERY   §

BEFORE ME, the undersigned notary public, on this 27th day of October, 2016 personally appeared Harriet Kerr, Secretary of Homeowners Association of West Palm Villas on Walden Road Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Jennifer Isaacs Thomas  
Notary Public in and for the State of Texas

**E-FILED FOR RECORD**

11/18/2016 11:08AM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

**11/18/2016**



County Clerk  
Montgomery County, Texas