

AFTER RECORDING, PLEASE RETURN TO:

Judd A. Austin, Jr.
Henry Oddo Austin & Fletcher, P.C.
1700 Pacific Avenue
Suite 2700
Dallas, Texas 75201

**FOURTH SUPPLEMENTAL CERTIFICATE AND MEMORANDUM
OF RECORDING OF DEDICATORY INSTRUMENTS FOR
HERON'S BAY ESTATES HOMEOWNERS' ASSOCIATION, INC.**

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

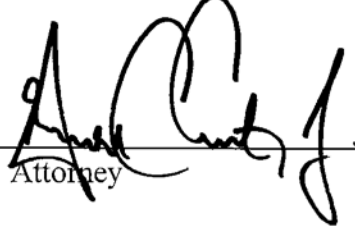
The undersigned, as attorney for Heron's Bay Estates Homeowners' Association, Inc. for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

- ***Heron's Bay HOA - ACC Guidelines and Deed Restriction Highlights*** (Exhibit A).

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instrument as it replaces and supersedes, in all respects, all prior policies and resolutions with respect to the enforcement of violations by the Association, and shall remain in force and effect until revoked, modified or amended by the ACC as approved by the Board of Directors.

IN WITNESS WHEREOF, Heron's Bay Estates Homeowners' Association, Inc. has caused this Third Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments to be filed of record in the office of the Dallas County Clerk, and supplements that Certificate and Memorandum of Dedicatory Instruments filed on September 21, 2012, under Instrument No. 201200282100 in the Official Public Records of Dallas County, Texas, including the Corrected Certificate filed on November 21, 2012, under Instrument No. 201200345307 in the Official Public Records of Dallas County, Texas; that certain First Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments filed on October 27, 2014, under Instrument No. 201400274725 in the Official Public Records of Dallas County, Texas; that certain Second Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments filed on October 27, 2014, under Instrument No. 201400274725 in the Official Public Records of Dallas County, Texas; and that certain Third Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments filed on April 27, 2015, under Instrument No. 201500104822 in the Official Public Records of Dallas County, Texas.

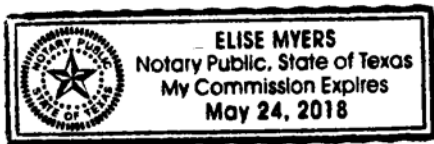
**HERON'S BAY ESTATES
HOMEOWNERS' ASSOCIATION, INC.**

By: 
Its: Attorney

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for Heron's Bay Estates Homeowners' Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 14th day of September, 2015.



Elise Myers

Notary Public, State of Texas

EXHIBIT A

HERON'S BAY HOA

ACC GUIDELINES AND DEED RESTRICTION HIGHLIGHTS

Homeowners, please refer to Articles 2 through 4 of the Declaration of Covenants, Conditions & Restrictions for Heron's Bay Estates (the "*Declaration*") found in your Homeowner's Manual. This document will provide guidance with regard to the ACC approval process and provide standards to assist owners in complying with the Heron's Bay governing documents.

Submit an Architectural Control Committee request for any changes, placements, repairs, modifications that will affect the exterior of lot and/or residence. Examples of ACC requests include but are not limited to flower beds, sheds that can be seen over the fences, front yard furniture, fence modifications, pergolas, statues, signage, flags, security cameras, and satellite dishes.

The ACC request must be properly completed, submitted, and approved prior to the start of construction. Note: The ACC does not review applications for building code compliance. It is the owner's responsibility to obtain a City of Garland, Texas Building Permit (if required) and to comply with all city, county, and state building code requirements. However, please note that securing a permit from the City does not excuse you from obtaining ACC approval prior to commencing your project. **Also with your ACC Form include a Survey with the location of the project, photos of the project area, information about the project (brochures, Internet photos, architect plans) or any other info that might assist when reviewing the application.** Incomplete requests (not enough information provided to understand the request and/or make a decision on the request) will cause your application to be rejected and a new request will need to be submitted.

Location and Impact on Neighbors

The proposed architectural change should relate favorably to the landscape, the neighbor's homes and improvements, and the existing structures of the neighborhood. It is suggested that changes to a residence or structure which affect a neighbor's lot be discussed with that neighbor in advance of submitting an ACC request.

Workmanship

The quality of the work should be equal to or better than that of the surrounding area. Poor workmanship can create safety hazards and can be visually objectionable to others.

Owner's Obligation to Maintain and Repair Damage

Each owner shall maintain their lot, the residence, and the other structures thereon in a clean, first class condition. Each owner shall regularly mow grass and maintain the landscaping on its lot in good condition at all times. Each owner shall maintain the exterior of all residences and structures in good condition and shall make such repairs and replacements as necessary to maintain good order and and preserve the aesthetic harmony of the community.

Violations of the Declaration or the Guidelines

See Heron's Bay HOA Enforcement Policy for more information on fines and penalties for violations. This document can be found on the Heron's Bay website at www.heronbay.org.

Examples of the most common violations include, but are not limited to, fence pickets missing/broken, fencing leaning or at an angle other than upright, fence staining/painting needs to be reapplied, poorly maintained garage doors and shutters, overgrown weeds, vegetation growing over the fence, grass higher than six (6) inches, failure to remove dead trees/shrubs from front of yards, installation of sheds without written approval. Landscaping/planting on grass strip between sidewalk and street (parkway) is prohibited and also a city easement.

Concerns and Complaint Procedures

In an effort to maintain the aesthetic appearance and architectural conformity of Heron's Bay, we encourage you to submit any concerns and complaints with regard to compliance and/or noncompliance with these guidelines or any of the provisions of the Declaration. Please contact Community Manager at 972-960-2800 or by email at emailus@sbbmanagement.com.

I. TREES

In addition to complying with City requirements, all Lots with a Residence thereon shall include trees as follows: (i) two 3" caliper trees on all 7,200 square foot Lots; and (ii) three 3" caliper trees on all 8,400 square foot Lots; and (iii) four 3" caliper trees on all 10,000 square foot Lots. Trees will be planted in the area of the Lot between the front property line and the front building line. Any dead trees are to be removed promptly and replaced within a month with a single trunk 3" caliper tree. Trees shall not be planted within three (3) feet of a side property line or utility box. Relocation of trees requires ACC approval.

II. LANDSCAPING/AESTHETIC GUIDELINES

All lots shall maintain the landscaping in the original condition or better.

- 1) Any changes to the landscaping in the front or side of the property that are visible from the street require prior approval from the ACC. For purposes of illustration only, and not by way of limitation, adding stone/cement work around trees and gardens or any restructuring of current landscape will require prior ACC approval.
- 2) All grass must be kept in a mowed condition (grass height must not exceed 6") and free from excessive weeds and debris. All yards must be kept edged. Trimming around back fences, mailboxes, utility boxes, and foundation is required. All plants and turf must be kept alive or replaced promptly with a comparable plant when and if it dies.
- 3) Vegetation / gardening growing over the fence into the street and/or alley is prohibited.
- 4) Statue placement shall be within ten (10) feet from residence door and not to exceed two feet by two feet (2'x2') in height and width.

- 5) Hardscapes: All driveways and walkways to be kept in clean condition and free of debris. Driveways must be free of any large visible stains.
- 6) Trash cans and recycling containers should be screened and not be in public view except on trash collection day (Friday).
- 7) All street-facing windows shall have blinds or neutral color curtains (side facing or visible from the street) to maintain the aesthetic harmony of the neighborhood.

Solar screens must have discrete tints such as black, brown or neutral – no colors.

III. FENCES AND WALLS

This provision serves to supplement Article 3, Section 3.4 (e) (2) of the Declaration. Prior written approval from the ACC is required for any staining, construction, replacement or repair of fences or walls on any lot. Stains must be natural colors only.

1. All fences shall be maintained in good condition, be at least six (6) feet in height and have a maximum height of eight (8) feet.
2. On all lots with wood fencing visible from the street, the fence must be constructed with the finished side facing the street. Posts and rails are not to be seen from the street or any common area.
3. Diagonal and horizontal placement of pickets or any type of fencing material is strictly prohibited.
4. No used material may be used to construct any fence. Solid wood materials are required for fence panels.
5. Chain link fences and shadow box panel construction fences are not permitted.
6. Reposition of fences requires ACC approval. Reposition of shared fences installed in retaining walls is not allowed.
7. Installation of retaining walls requires ACC approval. Only stone retaining walls are permitted.

IV. OUTBUILDINGS

Any outbuilding or shed may not extend above the height of the fence. Prior written approval by the ACC is required before construction. The homeowner is responsible to determine the proper City of Garland set backs from the property line and the required permits. Any outbuilding or shed must comply with the following standards:

1. A shed cannot exceed 10X12 (120 sq. ft.) The height of the roof peak needs to correspond with the height of the fence on the property.
2. Sheds shall not be placed on utility easements.
3. Sheds shall not be installed within three (3) feet of side and/or back property line.
4. Sheds may have a maximum of two (2) colors (base and trim).
5. When requesting ACC approval, provide shed specifications, specific paint color, roof material and color, image/picture, and proposed location of shed on lot plat.

V. PARKING RESTRICTION

- 1) Recreational vehicles such as boats, jet skis, trailers, campers and bicycles, etc. shall be stored or placed so as not to be visible from any street except for temporary parking in the driveway.
- 2) On street parking shall be limited to temporary parking of guests or invitees of the owner and not to exceed a forty-eight (48) hour time period.
- 3) No unlicensed, unregistered vehicles are to be parked or stored other than in an enclosed garage on the property. Inoperable vehicles must be removed from the property.
- 4) Mechanical repair or maintenance should not be done on vehicles parked on the street or driveway. All work on vehicles shall be performed only in an enclosed garage.
- 5) No carports shall be constructed on any lot in Heron's Bay.

VI. PROJECTIONS FROM STRUCTURES

- 1) Window air conditioners, awnings, and other similar projections are prohibited. Any projection through the roof of the property shall require prior written approval by the ACC.
- 2) Satellite dishes are limited to two (2) per residence. Only working satellite dishes shall remain on the residence and non-working/disconnected satellite dishes must be removed.
- 3) Playground equipment such as, but not limited to, portable basketball hoop/goals, soccer goals, wooden swing sets, requires prior ACC approval.
- 4) Portable basketball hoops/goals must be kept in good condition and located on owner's property/driveway. For safety reasons, no basketball hoop/goal shall face the street and are not allowed on sidewalks. Permanent basketball hoops/goals are not permitted.
- 5) Permanent above ground pools are prohibited. All seasonal (collapsible) pools visible from the street must have ACC approval and removed and stored at end of swimming season. No seasonal pools allowed in the front yard overnight.
- 6) Swimming pool appurtenances such as rock waterfalls, slides, and diving boards must not be over six (6') in height. Skimmer nets, long handle brushes, pool chemicals, filters, pumps, heaters, plumbing, etc. must be stored so as not be visible from public view.
- 7) Prior ACC approval is required for installation of play sets/forts that are visible above the fence line. Only wooden play sets are permitted. Play sets must be properly and regularly maintained. Play set top/cover shall not be plastic or canvas.
- 8) Signage and seasonal flags on any front lot shall be temporary and not to exceed two feet by two feet (2'x2') in height and width. Owner shall secure approval from the ACC before placement of any signage on property.

Holiday decorations and lighting to remain seasonal and removed after holiday season ends. No light strings to remain on house, trees, and/or property year-round.

VII. PATIO COVERS/GAZEBO/ARBORS

Prior ACC approval is required. For patio covers owner must comply with all city, county, and state building code requirements. Only quality construction materials to be used. Refer to Workmanship section in this document. Paint color must blend in with house color. When submitting ACC request for

patio covers, gazebos, arbors, etc. provide specifications, materials to be used, specific paint color, image/picture, and location of the proposed modification on lot plat.

VIII. SECURITY

- 1) Security cameras should not invade neighbor's property and ACC approval is required.
- 2) Burglar bars are not permitted visible from the street.

IX. STANDBY ELECTRIC GENERATOR

Any standby electric generator ("Generator") installed by or on behalf of an Owner must comply with the following requirements:

- be installed and maintained in compliance with the manufacturer's specifications and all applicable governmental health, safety, electrical, and building codes.
- all electrical, plumbing, and fuel-line connections for a Generator must be installed by a licensed contractor only.
- all electrical connections for a Generator must be installed in accordance with all applicable governmental health, safety, electrical, and building codes.
- all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for a Generator must be installed in accordance with all applicable governmental health, safety, electrical, and building codes.
- all liquefied petroleum gas fuel line connections must be installed in accordance with the rules and regulations promulgated and adopted by the Railroad Commission of Texas and all other applicable governmental health, safety, electrical, and building codes.
- non-integral Generator fuel tanks must be installed to comply with all applicable municipal zoning ordinances and all applicable governmental health, safety, electrical, and building codes.
- the Generator, its electrical lines, and its fuel lines must be maintained in good condition. If any component of a Generator—including its electrical or fuel lines—becomes deteriorated or unsafe, that component must be repaired, replaced, or removed. If a deteriorated or unsafe component is removed, it must be replaced unless that component is not required under the manufacturer's specifications or under any applicable governmental health, safety, electrical, and building codes. The Owner must routinely and periodically test the Generator in a manner consistent with the manufacturer's recommendations.

- Generator may not be located in the front yard of a dwelling and cannot be visible from any area accessible by the general public. An Owner is prohibited from locating a Generator on any property that is part of the Common Areas, owned or maintained by the Association.
- Generator must be screened from view must be screened if visible from: (a) street facing the dwelling; (b) visible from adjoining Common Areas or adjoining residence if located in an unfenced side or rear yard; or (c) visible through the fence from adjoining common area or adjoining residence if located in a side or rear yard with wrought-iron or aluminum fencing. The screen must be approved by the Reviewer in its sole and absolute discretion.
- An Owner is prohibited from using a Generator to generate all, or substantially all, of the electrical power for a dwelling, except when utility-generated electrical power to the dwelling is not available or is intermittent due to causes other than non-payment for utility services to the dwelling.
- Prior to installation of a Generator, an Owner must submit plans and specifications showing the proposed location of the Generator, as well as any proposed plans and specifications for screening. The Reviewer is authorized to determine proper location. An application to install a Generator will be submitted and reviewed in the same manner and following the same process as any other request to modify or improve the exterior of a dwelling. Installation of a Generator cannot begin until approval has been received from the Reviewer. The Association is not responsible for ensuring that an approved submission complies with any applicable governmental health, safety, electrical, and building codes.

APPEAL PROCEDURES

An owner whose ACC request is disapproved may appeal the decision. The owner may appeal the ACC's decision to the Heron's Bay HOA Board of Directors. The Heron's Bay HOA Board of Directors must receive the owner's appeal in writing from the within thirty (30) calendar days from the date of the notice to owner containing the ACC's disapproval. The owner may request a hearing before the Heron's Bay HOA Board of Directors. Any decision by the Heron's Bay HOA Board of Directors to reverse a disapproval decision must be by majority vote of all members of the Heron's Bay HOA Board of Directors.

An owner whose ACC request is disapproved also has the right to modify the original ACC request and resubmit it as a new request. The ACC may advise the owner on the changes needed in order for the subsequent ACC request to be approved.

The ACC is made up of volunteer owners from Heron's Bay. ACC Members are not elected; they are appointed by the Board of Directors and may resign or be removed at any time.

**HERON'S BAY HOMEOWNERS
ASSOCIATION, INC.**

By: Architectural Control Committee

By: 
Chair

**HERON'S BAY HOMEOWNERS
ASSOCIATION, INC.**


By: 
President

EXHIBIT B

Those tracts and parcels of real property located in the City of Garland, Dallas County, Texas and more particularly described as follows:

- **All Lots and Blocks Located in HERON'S BAY ESTATES, NO. 1, an Addition to the City of Garland, Dallas County, according to the Plat thereof recorded in Instrument File No. 2008-68906, Map Records, DALLAS County, Texas; together with the Certificate of Correction recorded in Instrument File No. 2008-163553, Real Property Records, Dallas County, Texas.**

**Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
09/18/2015 03:41:57 PM
\$66.00
201500252331**

