

CREEKSTONE COMMUNITY ASSOCIATION, INC.
SECURITY MEASURES POLICY

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Creekstone Community Association, Inc. (hereinafter the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of Silverstone, Section One (1) and Creekstone, Sections One (1) through Five (5) (hereinafter the "Subdivision"), a subdivision in Harris County, Texas (referred to collectively as "Declaration"); and

WHEREAS, the Security Measures Policy is applicable to the Subdivision as described and referred to in the Association's current Management Certificate filed of record in the Official Public Records of Harris County, Texas, and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association; and

WHEREAS, the Dedicatory documents of the Association grants to the Board of Directors of the Association (hereinafter "Board") the power to exercise the powers and privileges and to perform all of the duties and obligations as set forth in those restrictions applicable to the Subdivision, which analogously purports that the Board has the power to adopt rules, regulations, and /or guidelines regarding the installation of improvements on a Lot; and

WHEREAS, the Board has determined that, in order to provide guidance regarding security measures authorized by Section 202.023 of the Texas Property Code, it is appropriate for the Association to adopt a Security Measures Policy for the properties under the jurisdiction of the Association; and

WHEREAS, the Security Measures Policy replaces and supersedes any previously recorded or implemented policy that addresses any of the security measures contained herein, if any, adopted by the Association; and

WHEREAS, to the extent that any existing governing document or dedicatory instrument does not conflict with this Policy, such provision shall remain in full force and effect; and

WHEREAS, reference herein to the approval of the Architectural Control Committee (hereinafter "the ACC") means prior written approval by the ACC; and

WHEREAS, this Dedicatory Instrument constitutes a Restrictive Covenant as that term is defined by the Texas Property Code §202.001, and the Association shall have and may exercise

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discretionary authority with respect to this Restrictive Covenant;

NOW, THEREFORE, in consideration of the foregoing and in compliance with the Texas Property Code, the Board of Directors of the Association (hereinafter the "Board") hereby approves, adopts and imposes on the Association and the Subdivision the following:

Pursuant to Section 202.023 of the Texas Property Code, a property owner may install and maintain certain security measures on the Owner's property to the extent that such security measure complies with the regulations set forth below.

1. **ACC Application and Approval Required.** Before any security measure permitted and/or contemplated by Section 202.023 of the Texas Property Code (hereinafter the "Code") is constructed or erected on a Lot, an ACC application, together with any and all requisite supporting documents and/or materials specified therein, must be submitted to the Association and approved, in writing, in accordance with the Declaration.

"Security Measure" generally shall mean, but not be limited to, the following:

- a. security camera, installed on the Owner's property and placed and operated in such a manner so as to permit the Owner to observe and detect activity on or approaching the Owner's property only;
- b. motion detector, installed on the Owner's property and placed and operated in such a manner so as to be activated to provide illumination of primarily the Owner's property, and in a manner that does not create an invasion or obtrusive nuisance of or onto a neighboring owner's property unnecessarily;
- c. perimeter fence, constructed of materials, at a height, and at a location permitted by the architectural control/review authority of the Association, and only after submitting a fully-completed ACC application to and receiving the prior written approval of the ACC.

Owners are required to include the following information with the ACC Application:

- a. type of security measure(s);
- b. location of proposed security measure(s);
- c. general purpose of proposed security measure(s); and
- d. proposed construction plans and/or Plot Plan (in particular where a perimeter fence is proposed) with exact designation of proposed security measure(s).

Owners are encouraged to research and be aware of issues which may impact the ability of the Owner to install or place the proposed security measure(s):

- a. location of property lines for the Lot - an Owner should consider securing a survey before installing a security measure;
- b. easements in the area in which the security measure(s) is to be installed;
- c. underground utilities in the area in which the security measure(s) is to be constructed or installed.

The Association is not obligated to and will not review an Owner's ACC Application for security measure(s) as to the cautionary issues referenced above. Owner is strongly encouraged to adequately research the issues outlined above prior to submitting an ACC Application and be aware that a security measure(s) may have to be removed if a person or entity with superior rights to the location of a security measure(s) objects to the placement of the security measure(s).

- 2. Security Cameras and Motion Detectors may not be installed, placed or operated by an Owner on, in or from any other property in the Subdivision that does not belong to the Owner. Security Cameras are to be used for monitoring the Owner's property and shall not be directed into neighboring properties.
- 3. Motion Detectors shall not be directed into neighboring properties. To the extent that a motion detector is installed in such a manner as to constitute an invasive or obtrusive nuisance to a neighboring property of the Owner, Owner shall be required to undertake any and all reasonably necessary measures to either minimize the invasive illumination or redirect the invasive illumination of a motion detector.
- 4. No Security Camera can be installed that is visible from any street in the subdivision unless the Owner submits for and receives prior written approval of the ACC. Security Cameras installed prior to the effective date of this Policy do not require prior written approval of the ACC, however, relocation or replacement of an existing Security Camera will require subsequent written approval of the ACC. Ring cameras and similar entry way cameras are considered permitted under this Policy. Security Cameras that can be seen from the street can be located on the main structure of the home, behind the front building line (typically allows for placement on the garage, eaves and corners of a home). Visible Security Cameras may not be placed on any fences, gas lights, utility poles or other structures or displays, or trees/vegetation, located forward of the front building line. No Owner shall operate a security camera in such a manner as to deliberately invade the privacy or quiet peace and enjoyment of a neighboring owner's property.

5. **Perimeter/Security Measure Fencing.** Pursuant to the Code, the Association is authorized to regulate the type of security measure fencing that an Owner may install, construct or erect on a Lot.

- a. "Security Measure Fencing" generally:

- i. No security measure fence shall be permitted to constructed of or contain chain link, with or without inserted slats, barbed wire/razor wire, concertina wire, welded wire, post and rail, chicken wire/mesh, wood lattice panels/pallets, vinyl or louver panels, brick, concrete or stone/masonry.
 - ii. No security measure fence, or any portion thereof, shall be permitted to be electrified under any circumstances.
 - iii. Security measure fencing cannot contain decorative elements and embellishments, to include, but not be limited to, finials (of any shape or design), fleur de lis, points, spears (of any shape and design), and gate toppers of any type.
 - iv. No living, organic, and/or plant material of any kind (including artificial material resembling living, organic, and/or plant material) shall be allowed to grow on securing measure fencing. However, thorny plants (including but not limited to rose bushes) may be planted on the inside (residence side) of the security measure fencing on an Owner’s Lot so long as it does not grow beyond the outside of the security measure fencing so as to create a hazard to pedestrian traffic, and must be properly maintained.
- b. Security Measure Fencing forward of the front building line/residential structure as set out in the Declaration and/or on the Lot survey:
- (i) Must be constructed of metal (either steel, wrought iron, or aluminum) measuring no more than six feet (6') in height. The ACC shall have the discretion to approve any other type of metal security measure fencing, however, the following types of metal fencing are prohibited and will not be approved: (1) stamped metal fencing (including gates); (2) metal panel fencing; and (3) solid metal fencing. It is the intent of this Policy that all security measure fencing forward of the of the front building line on a Lot have the appearance of what is commonly called “wrought iron fencing”;
 - (ii) Must consist of straight horizontal rails and straigh vertical pickets and/or posts;
 - (iii) Must be black, or any color approved by the ACC (including gates);
 - (iv) Security measure fencing pickets shall be 3/4", 4" on center with 1-1/4" top and bottom rails. All framing must be on the inside (i.e., the residence side) of the security measure fencing;

- (v) Must not block or interfere with the pedestrian use of the sidewalk and/or driveway on the Lot, or create a safety hazard;
 - (vi) Any driveway or pedestrian gates on security measure fencing must be of the same material as the fencing and must swing inward, and related fence motors/equipment must be kept screened from public view with evergreen shrubs or in such other manner as approved in writing by the ACC;
 - (vii) If a swing gate is not used, a slide gate(s) design that runs parallel to the sidewalk is/are permitted as long as the gate or gates do not extend into a neighbor's property or enter into the sidewalk; and
 - (viii) When security measure fencing meets a wood fence, the security measure fencing may not be attached to the wood fence. The security measure fencing shall be terminated with a three-inch (3") metal post (either steel, wrought iron, or aluminum) adjacent to the wood post/wood fencing;
- c. Placement of security measure fencing must not violate any applicable building line, right-of-way, setback or easement set out in the City, County and/or State Ordinances and Regulations, if any. Notwithstanding the foregoing, no security measure fencing will be considered if proposed placement is to be located substantially inside the front (or in the case of a corner lot a side) road right-of-way in order to maintain an aesthetic sight line of security measure fencing forward of the front building line on all Lots. In essence, no proposed security measure fencing will be considered if it is to be placed closer to the dwelling on a Lot than the designated road right-of-way easement (that distance measured from the middle of the street in front of/adjacent to the Lot toward the dwelling on the Lot, that distance being one-half the road right-of-way easement);
 - d. All security measure fencing must be installed per the manufacturer's specifications and all electric gates must be installed by a licensed electrician in accordance with all applicable codes and applicable governmental regulations;
 - e. If the proposed security measure fencing is to be located on one or more shared Lot lines with adjacent Lot(s) (hereinafter "Affected Lots"), all Owners of record of the Affected Lots must sign the ACC application evidencing their consent to the security measure fencing before the requesting Owner (hereinafter "Requesting Owner") submits the ACC application to the ACC. In the event that the Affected Owner(s) refuse to sign the ACC application as required by this section, the Affected Lot Owner(s) and Requesting Owner hereby acknowledge and agree that the Association shall have no obligation to participate in the resolution of any dispute resulting in accordance with this Policy.

6. **Burlar Bars, Security Screens, and Front Door Entryway/Patio Enclosures.** All burglar bars, security screens, and front door entryway/patio enclosures shall be black, or any color approved by the ACC. Notwithstanding the foregoing, the ACC shall have the discretion to approve another color for burglar bars, security screens, and front door entryway/patio enclosures if, in the sole and absolute discretion of the ACC (subject to an appeal by the Board of the Association in the event of an ACC denial), the proposed color of the burglar bars, security screens, and front door entryway/patio enclosures complements the exterior color of the dwelling on the Lot. All burglar bars, security screens, and front door entryway/patio enclosures must be constructed of straight horizontal cross-rails and straight vertical pickets. Decorative embellishments (whether part of the original construction or add-on decorative elements/embellishments) of any type are prohibited on burglar bars, security screens, and front door entryway/patio enclosures.

7. **Disputes and Neighbor-to-Neighbor Conflict.** Security measures, including but not limited to, security cameras and motion detector lights, shall not be permitted to be installed and/or maintained in a manner that the security measure is aimed/directed at an adjacent property which would result in an invasion of privacy, or cause or otherwise create a nuisance to the neighboring Owner or resident. **In the event of a dispute between Owners or residents regarding any security measure fencing, or a dispute or disagreement between Owners or residents regarding the aim or direction or projection of a security camera or a motion detector, the Association shall have no obligation to nor will it participate in the resolution of the dispute or disagreement. Any such dispute or disagreement shall be resolved solely by and between the Owners or residents of the Affected Lots.**

EACH OWNER AND/OCCUPANT RESIDENT OF A LOT WITHIN THE SUBDIVISION ACKNOWLEDGES AND IS ON NOTICE THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND THE ACC, ARE NOT INSURERS AND THAT EACH OWNER AND OCCUPANT/ RESIDENT OF ANY DWELLING AND/OR LOT THAT HAS A SECURITY MEASURE THAT HAS BEEN OR WILL BE INSTALLED PURSUANT TO THIS POLICY ASSUMES ALL RISKS FOR LOSS OR DAMAGE TO PERSONS, TO DWELLINGS, AND IMPROVEMENTS AND TO THE CONTENTS OF DWELLINGS AND IMPROVEMENTS, AS WELL AS TO VEHICLES PARKED AT THE LOT AND THE CONTENTS THEREOF, AND FURTHER ACKNOWLEDGES AND IS ON NOTICE THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND THE ACC, HAVE MADE NO REPRESENTATIONS OR WARRANTIES NOR HAS ANY OWNER OR OCCUPANT/RESIDENT RELIED UPON ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, RELATIVE TO ANY SECURITY MEASURE THAT MAY BE APPROVED BY THE ACC PURSUANT TO THIS POLICY.

OWNERS OF LOTS WITHIN THE SUBDIVISION HEREBY AGREE TO INDEMNIFY, PROTECT, HOLD HARMLESS, AND DEFEND (ON DEMAND) THE

ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND COMMITTEE MEMBERS COMPRISING THE ACC (COLLECTIVELY REFERRED TO AS THE "INDEMNIFIED PARTIES") FROM AND AGAINST ANY AND ALL CLAIMS (INCLUDING WITHOUT LIMITATION CLAIMS BROUGHT BY AN OWNER OR OCCUPANT/RESIDENT) IF SUCH CLAIMS ARISE OUT OF OR RELATE TO A SECURITY MEASURE GOVERNED BY THIS POLICY. THIS COVENANT TO INDEMNIFY, HOLD HARMLESS, AND DEFEND INCLUDES (WITHOUT LIMITATION) CLAIMS CAUSED, OR ALLEGED TO BE CAUSED, IN WHOLE OR IN PART BY THE INDEMNIFIED PARTIES' OWN NEGLIGENCE, REGARDLESS OF WHETHER SUCH NEGLIGENCE IS THE SOLE, JOINT, COMPARATIVE OR CONTRIBUTORY CAUSE OF ANY CLAIM.

Any installation of a security measure not in compliance with the provision of this Policy will be considered a violation of the Dedicatory Instruments governing the Subdivision, and the Association will be authorized to proceed with any and all corrective measures as set forth in the Declaration, this Policy, and any other guideline or rule/regulation which may have been promulgated and adopted regulating a security measure found to be in violation of this Policy.

This Policy is effective upon the later of either the date of recording in the Public Records of Real Property of Harris County, Texas, or September 1, 2021, and supersedes, to the extent applicable, any policy for Security Measures which may have previously been in effect. Except as affected by Section 202.0023 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instrument of the Association shall remain in full force and effect.

Approved and adopted by at least a majority of the Board, at an open meeting duly noticed and at which meeting a quorum of the Board was present, on this 28th day of October, 2021.



Gerard Tafalla, President [printed name]
Creekstone Community Association, Inc.

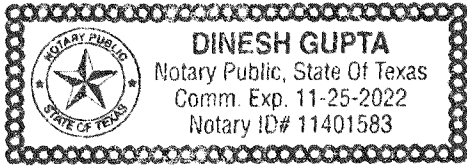
[notarization on the following page]

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Before me, the undersigned authority, on this day personally appeared Gerard Tatallo, President of Creekstone Community Association, Inc., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that s/he has executed the same as the act of said corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 4th day of Dec, 2021.



Dinesh Gupta
Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:
Lori E. Alderson
1523 Avenue A
Katy, Texas 77493

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Pages 9
12/16/2021 09:17 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$46.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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