

**CERTIFICATE OF ADOPTION
OF
ADJACENT LOT USE GUIDELINES
OF
TUSCANY COMMUNITY ASSOCIATION, INC.**

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HARRIS §

WHEREAS, the Board of Directors (the "Board") of Tuscany Community Association, Inc., a Texas non-profit corporation (the "Association") is charged with administering and enforcing those certain covenants, conditions, and restrictions encumbering the Tuscany community (the "Community"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective June 14, 2013, to add Section 209.015 ("Section 209.015") thereto; and

WHEREAS, Section 209.015(a)(1) of the Texas Property Code defines "adjacent lot" (herein called "Adjacent Lot") to mean: (i) a lot that is contiguous to another lot that fronts on the same street; (ii) with respect to a corner lot, a lot that is contiguous to the corner lot by either a side property line or back property line; or (iii) if permitted by the dedicatory instruments of the property owners' association, any lot that is contiguous to another lot at the back property line; and

WHEREAS, Section 209.015(a)(2) of the Texas Property Code defines "residential purpose" (herein called "Residential Purpose" or "Residential Purposes") with respect to the use of a lot: (i) means the location on the lot of any building, structure, or other improvement customarily appurtenant to a residence, as opposed to use for a business or commercial purpose; and (ii) includes the location on the lot of a garage, sidewalk, driveway, parking area, children's swing or playscape, fence, septic system, swimming pool, utility line, or water well and, if otherwise specifically permitted by the dedicatory instruments of the property owners' association, the parking or storage of a recreational vehicle; and

WHEREAS, the Board has determined that in connection with the adoption of guidelines on the use of an Adjacent Lot for Residential Purposes in the Community, it is appropriate for the Association to adopt the guidelines set forth in Section 209.015 and described herein below (the "Adjacent Lot Use Guidelines"); and

WHEREAS, the Bylaws of the Association provide that a majority of the members of the Board shall constitute a quorum for the transaction of business and that the action of a majority of the members of the Board at a meeting at which a quorum is present is the action of the Board; and

WHEREAS, the Board held a meeting on September 30th, 2013 (the "Adoption Meeting"), at which at least a majority of the members of the Board were present and duly passed the Adjacent Lot Use Guidelines.

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the members of the Board were present and the Board duly adopted the Adjacent Lot Use Guidelines. The Adjacent Lot Use Guidelines are effective upon recordation of this Certificate in the Official Public Records, and supplement any restrictive covenants, guidelines or policies regarding the Residential Use of Adjacent Lots described in the Adjacent Lot Use Guidelines which may have previously been in effect for the Community, unless such restrictive covenants, guidelines or policies are in conflict with the Adjacent Lot

Use Guidelines, in which case the terms in the Adjacent Lot Use Guidelines will control. The Adjacent Lot Use Guidelines are as follows:

- a. An owner must obtain the approval of the Association or, if applicable, an architectural committee established by the Association or the Association's dedicatory instruments, based on criteria prescribed by the dedicatory instruments of the Association specific to the use of a lot for Residential Purposes, including reasonable restrictions regarding size, location, shielding, and aesthetics of the Residential Purposes, before the owner begins the construction, placement or erection of a building, structure or other improvement for the Residential Purpose on an Adjacent Lot.
- b. An owner who elects to use an Adjacent Lot for Residential Purposes shall, on the sale or transfer of the lot containing the residence:
 - 1) Include the Adjacent Lot in the sales agreement and transfer the Adjacent Lot to the new owner under the same dedicatory conditions; or
 - 2) Restore the Adjacent Lot to the original condition before the addition of the improvements allowed under these Adjacent Lot Use Guidelines to the extent that Adjacent Lot would again be suitable for the construction of a separate residence as originally platted and provided for in the conveyance to the owner.
- c. An owner may sell the Adjacent Lot separately only for the purpose of the construction of a new residence that complies with existing requirements in the Association's dedicatory instruments unless the Adjacent Lot has been restored as described by Subsection (b)(2) above.

EXECUTED on the date of the acknowledgment set forth herein below, to be effective as set forth above.

Tuscany Community Association, Inc.,
a Texas non-profit corporation

10R
1EE

By:

Jeff Day
Jeff Day, President

THE STATE OF TEXAS

§
§
§

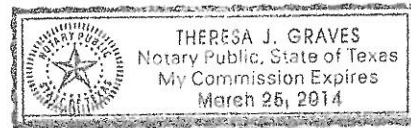
COUNTY OF HARRIS

This instrument was acknowledged before me on October 1, 2013, by Jeff Day, President of Tuscany Community Association, Inc., a Texas non-profit corporation, on behalf of said corporation.

Theresa J. Graves
Notary Public, State of Texas

WHEN RECORDED, RETURN TO:

Hoover Slovacek LLP
5847 San Felipe, Suite 2200
Houston, Texas 77057
File No. 122265-42 (839138)



20130515574
Pages 4
10/08/2013 10:44:22 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees 24.00

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.



Stan Stanart

COUNTY CLERK
HARRIS COUNTY, TEXAS