

LANDSCAPE, LANDSCAPE BORDERS, AND TREE RING POLICY

STATE OF TEXAS §
 §
 COUNTY OF TARRANT §

WHEREAS, HERITAGE HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation (the "**Association**"), is charged with administering and enforcing that certain Heritage Residential Association Declaration recorded on or about August 28, 2000 as Instrument No. D200192458 in Volume 14494, Page 158 of the Official Public Records of Real Property of Tarrant County, Texas, as amended pursuant to that certain: (a) First Amendment to Declaration of Heritage Residential Association Declaration recorded on or about April 19, 2002 as Instrument No. D202108869 of the Official Public Records of Real Property of Tarrant County, Texas; (b) Second Amendment to Declaration of Heritage Residential Association Declaration recorded on or about April 19, 2002 in Instrument No. D202108870 of the Official Public Records of Real Property of Tarrant County, Texas; (c) Third Amendment to Declaration of Heritage Residential Association Declaration recorded on or about November 4, 2005 in Instrument No. D205333129 of the Official Public Records of Real Property of Tarrant County, Texas; (e) Fourth Amendment to Declaration of Heritage Residential Association Declaration recorded on or about March 7, 2006 in Instrument No. D206066490 of the Official Public Records of Real Property of Tarrant County, Texas; (f) Fifth Amendment to Declaration of Heritage Residential Association Declaration recorded on or about November 21, 2007 in Instrument No. D207416191 of the Official Public Records of Real Property of Tarrant County, Texas; (g) Sixth Amendment to Declaration of Heritage Residential Association Declaration recorded on or about July 12, 2012 in Instrument No. D212167424 of the Official Public Records of Real Property of Tarrant County, Texas; and (h) Seventh Amendment to Declaration of Heritage Residential Association Declaration recorded on January 28, 2015 in Instrument No. D215018126 of the Official Public Records of Tarrant County, Texas; and all as made applicable to: (1) Phase 2A, Section 2 by that certain Supplement to Heritage Residential Association Declaration recorded on or about January 31, 2002 as Instrument No. D202030105 of the Official Public Records of Real Property of Tarrant County, Texas; (2) Phase 3D-A pursuant to that certain Declaration of Covenants, Easements and Restrictions Heritage 3D-A recorded on or about December 23, 2000 as Instrument No. D202369337 in Volume 16240, Page 217 of the Official Public Records of Real Property of Tarrant County, Texas; (3) Phase 2D pursuant to that certain Supplement to Heritage Residential Association Declaration (Heritage 2D) recorded on or about February 4, 2003 as Instrument No. D203045163 of the Official Public Records of Real Property of Tarrant County, Texas; (4) Phase 2G pursuant to that certain Supplement Declaration to Heritage Residential Association Declaration (Phase 2G) recorded on or about January 31, 2012 as Instrument No. D212023117 of the Official Public Records of Real Property of Tarrant County, Texas; and (5) additional land pursuant to that certain Supplemental Declaration to the Heritage Residential Declaration recorded on or about November 21, 2006 as Instrument No. D207416193 of the Official Public Records of Real Property of Tarrant County, Texas and the Declaration of Covenants, Easements and Restrictions recorded on or about December 4, 2000 as Instrument No. D200270234 of the Official Public Records of Real Property of Tarrant County, Texas, as amended pursuant to that certain: (a) First Amendment to Declaration of Covenants, Easements and Restrictions (Heritage) recorded on April 19, 2002 as Instrument No. D202108872 of the Official Public Records of Real Property of Tarrant County, Texas; (b)

Amendment of First Amendment to Declaration of Covenants, Easements and Restrictions (Heritage) recorded on or about January 25, 2010 as Instrument No. D210016649 of the Official Public Records of Real Property of Tarrant County, Texas; (c) Second Amendment to Declaration of Covenants, Easements and Restrictions (Heritage) recorded on January 9, 2003 as Instrument No. D203012666 of the Official Public Records of Real Property of Tarrant County, Texas; (d) Amendment to Second Amendment to Declaration of Covenants, Easements and Restrictions (Heritage) recorded on or about October 18, 2010 as Instrument No. D210257076 of the Official Public Records of Real Property of Tarrant County, Texas (as may be further amended or supplemented, collectively, the “**Declaration**”);

WHEREAS, pursuant to the Declaration and other dedicatory instruments, the management of the Association’s business and affairs is vested in the Association’s Board of Directors (the “**Board**”); and

WHEREAS, the Board has determined that it is in the best interests of the Association and its members to adopt a policy to assist with the enforcement of the Declaration and other rules of the Association regarding tree rings.

NOW, THEREFORE, the Board has duly adopted this Landscape, Landscape Borders, and Tree Ring Policy (the “**Policy**”):

1. Committee Approval not Required. Committee approval *is not* needed for the following actions:

- a. Replanting/replacing undesired, damaged, or dead plants with like or similar plants of the same variety.
- b. Updating/replacing seasonal plants.
- c. Mulching, mowing, weeding, trimming or any other type of maintenance activity designed to keep your yard and landscaping in a healthy, neat, and attractive manner.

2. Committee Approval Required. Committee approval *is* required for the following actions:

- a. Constructing new flower/landscape beds or planting in new locations.
- b. Removing and not replacing plants.
- c. Changing the size, shape or dimensions of flower/landscape beds.
- d. Installing borders on flower/landscape beds.
- e. Changes which affect the irrigation or drainage on any lot.
- f. Planting in easements or drainage swales.

3. Flowerbeds. When constructing flowerbeds, please keep in mind the following guidelines:

- a. Unmortared brick borders are not permitted. If using brick, the border must be mortared with no holes visible.
- b. Mortared and unmortared stone and concrete borders are allowed, provided they are neat, evenly aligned, and properly maintained.
- c. Flowerbeds and flowerbed borders are not allowed to abut public sidewalks as this area is usually a utility easement and a right-of-way (ROW). Also this is to

minimize trip hazards as well as muck and debris from draining onto the sidewalks.

- d. A flowerbed border might change the drainage of a residence and lot. Please insure adequate drainage measures including drainage holes installed in the borders to keep home warranties from being voided.
- e. Irrigation systems might need to be updated or modified following the installation of a flowerbed. Please insure sprinklers are adequately updated or modified.
- f. Landscaping beds and borders may not encroach into a utility easement or drainage swale. Variances can be requested for backyard plantings, and to screen electrical boxes and air conditioning units.
- g. All damage to landscaping, irrigation, fences, sidewalks and curbing must be repaired immediately following the installation of a flowerbed or borders.
- h. Homeowners should be aware that any plantings in front and backyard utility easements may be removed by utility companies for utility access and maintenance.

4. Borders and Tree Rings. Borders and tree rings situated in the grassy strips located between the street curb and the sidewalk (the City of Fort Worth's right-of-way) are not permitted. The Association will not enforce a violation of an owner with a tree ring existing in such area before the effective date of this Policy. For any border or tree ring installed on the effective date of this Policy or afterward, an owner must apply to the City of Fort Worth for, and receive a final, unappealable encroachment agreement for the same before the Association will consider any Committee application regarding such tree ring or border. Any tree ring or border (including grandfathered tree rings or borders) on such area not kept in compliance with the City of Fort Worth's standards may be cause for the Association to alert City Code Compliance of the same. Further, any tree ring or border (including grandfathered tree rings or borders) on such area not kept in compliance with the Declaration is subject to Association enforcement of the same.

5. Waiver. The Board, in its sole and absolute discretion, reserves the right to implement or not implement any enforcement of this Policy.

6. Amendment or Termination. This Policy may be amended or terminated from time to time at the discretion of the Board.

7. Terms. Any term used, but not defined, herein shall have the meaning assigned to such term by the Declaration.

8. Effective. This Policy is effective upon recordation in the Official Public Records of Real Property of Tarrant County, Texas and supersedes any policies regarding the subject matter hereof that may have previously been in effect to the extent this Policy conflict therewith. Except as affected by this Policy, all other provisions contained in the Declaration and/or any other dedicatory instruments of the Association shall remain in full force and effect.

[SIGNATURE PAGE TO FOLLOW]

EXECUTED AND EFFECTIVE this 2nd day of May, 2016.

ASSOCIATION:

HERITAGE HOMEOWNERS ASSOCIATION, INC.,
a Texas nonprofit corporation

By: [Signature]
Neftali Ortiz, President

STATE OF TEXAS §

COUNTY OF Tarrant §

BEFORE ME, the undersigned authority, on this 2nd day of May, 2016 personally appeared Neftali Ortiz, President of HERITAGE HOMEOWNERS ASSOCIATION, INC., a Texas nonprofit corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes therein contained and in the capacity therein stated.

[Signature]
Notary Public, State of Texas

