

**THIRD SUPPLEMENTAL
NOTICE OF DEDICATORY INSTRUMENTS
FOR
BRIARGROVE PROPERTY OWNERS, INC.**

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

The undersigned, being the authorized representative of Briargrove Property Owners, Inc., a property owners' association as defined in Section 202.001 of the Texas Property Code (the "Association"), hereby supplements the "Notice of Dedicatory Instruments for Briargrove Property Owners, Inc." ("Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on July 28, 2000 under Clerk's File No. U533575, the "Notice of Dedicatory Instruments for Briargrove Property Owners, Inc." (the "Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on January 18, 2008, under Clerk's File No. 20080031624, the "First Supplemental Notice of Dedicatory Instruments for Briargrove Property Owners, Inc." ("First Supplemental Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on December 30, 2011 under Clerk's File No. 20110548207, and the "Second Supplemental Notice of Dedicatory Instruments for Briargrove Property Owners, Inc." ("Second Supplemental Notice") recorded in the Official Public Records of Real Property of Harris County, Texas on October 22, 2015 under Clerk's File No. 20150483749 which documents were filed for record for the purpose of complying with Section 202.006 of the Texas Property Code.


1. Additional Dedicatory Instrument. In addition to the Dedicatory Instruments identified in the Notices and the Supplemental Notices, the following document is a Dedicatory Instrument governing the Association:

- **Standby Electric Generator Policy for Briargrove Property Owners, Inc.**

This Third Supplemental Notice is being recorded in the Official Public Records of Real Property of Harris 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 Third Supplemental Notice is true and correct and the document attached to this Third Supplemental Notice is the original.

Executed on this 28th day of March, 2016.

BRIARGROVE PROPERTY OWNERS, INC.

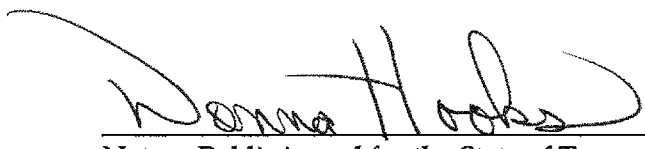
By: 
Rick S. Butler, authorized representative

RP-2016-126477

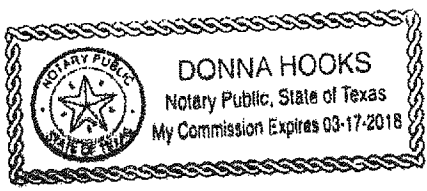
THE STATE OF TEXAS §
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COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this day personally appeared Rick S. Butler, authorized representative of Briargrove Property Owners, 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.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 28th day of March, 2016, to certify which witness my hand and official seal.



Notary Public in and for the State of Texas



Return to:
Rick S. Butler
Roberts Markel Weinberg Butler Hailey, P.C.
2800 Post Oak Blvd., Suite 5777
Houston, TX 77056

RP-2016-126477

**STANDBY ELECTRIC GENERATOR POLICY
FOR
BRIARGROVE PROPERTY OWNERS, INC.**

STATE OF TEXAS

COUNTY OF HARRIS

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I, Sam Bowen, Secretary of Briargrove Property Owners, Inc., certify that at a meeting of the Board of Directors of the Association duly called and held on the 24th day of March, 2016, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Standby Electric Generator Policy was approved by not less than a majority of the Board members in attendance.

RECITALS:

1. Section 202.019 of the Texas Property Code was enacted effective June 19, 2015 to address the installation and operation of standby electric generators.
2. The Board of Directors of the Association desires to adopt a policy relating to the installation and operation of standby electric generators on Lots in the Subdivision consistent with Section 202.019 of the Texas Property Code.

WITNESSETH:

The following sets forth the policy of the Association regarding the installation and operation of standby electric generators.

Section 1. Definitions. Capitalized terms used in this policy have the following meanings:

- 1.01. **Architectural Review Committee** or **ARC** – The Architectural Review Committee of the Association as established by the Declaration.
- 1.02. **Association** – Briargrove Property Owners, Inc., a Texas non-profit corporation.
- 1.03. **Declaration** – That certain instrument entitled “Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briargrove” recorded in the Official Public Records of Real Property of Harris County, Texas on July 28, 2000 under Clerk’s File No. U533580.
- 1.04. **Residential Dwelling** – The single family residential dwelling situated on a Lot.
- 1.05. **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 Residential Dwelling by a manual or automatic transfer switch; and

- d. rated for generating capacity of not less than seven (7) kilowatts.
- 1.06. Subdivision** – Briargrove, Sections One (1) through Nine (9), as shown on the recorded plat for each section of the Subdivision.

Other capitalized terms used in this policy, but not defined in this Section have the same meanings as that ascribed to them in the Declaration.

Section 2. ARC Approval, Requirements, and Screening.

- 2.01. ARC 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 ARC 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 ARC as to compliance with the provisions of this policy. The submission of plans must include a completed application for ARC 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 ARC 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 ARC.
- 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 ARC 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 shall be in accordance with the manufacturer's recommendations, and shall occur not more than once a month, between the hours of 10:00 a.m. and 4:00 p.m.; and
- j. the preferred location of a Standby Electric General is:
 - ii. at the side or rear plane of the Residential Dwelling;
 - iii. outside (not within) any easement applicable to the Lot;
 - iv. outside (not within) the side setback lines applicable to the Lot.

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 shall 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 Residential Dwelling on the Lot on which it is located,
- b. located in an unfenced side 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 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,

the Owner will be required to screen the Standby Electric Generator by evergreen landscaping or in another reasonable manner, as determined by the ARC.

Section 3. Prohibitions.

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

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

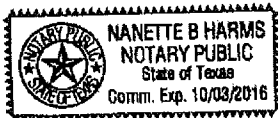
I hereby certify that this Standby Electric Generator Policy was approved by the Board of Directors of the Association on the date set forth above and now appears in the books and records of the Association. This Standby Electric Generator Policy is effective as of the date of recording in the Official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

Briargrove Property Owners, Inc.,
a Texas non-profit corporation

By: [Signature]
Print Name: Sam Bowen
Secretary

THE STATE OF TEXAS §
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BEFORE ME, the undersigned notary public, on this 24 day of March, 2015 personally appeared Sam Bowen, Secretary of Briargrove Property Owners, 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.



[Signature]
Notary Public in and for the State of Texas

Return to:
Rick S. Butler
ROBERTS MARKEL WEINBERG BUTLER HAILEY, PC
2800 Post Oak Blvd., Suite 5777
Houston, Texas 77056

RP-2016-126477

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Pages 7
03/29/2016 10:30 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
STAN STANART
COUNTY CLERK
Fees \$36.00

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

RP-2016-126477