



### AFFIDAVIT FOR FILING DEDICATORY INSTRUMENTS

STATE OF TEXAS §  
COUNTY OF WILLIAMSON §

KNOW ALL BY THESE PRESENT:

WHEREAS section 202.006 of the Texas Property Code requires that a property owners' association file its dedicatory instruments in the real property records of the county in which the property is located, and

WHEREAS the Davis Spring Residential Property Owners' Association, Inc. is a property owners' association as the term is defined in the Texas Property Code and has property located in Williamson County, Texas,

NOW THEREFORE, true copies of the following dedicatory instruments of the Davis Spring Residential Property Owners' Association, Inc. which have not been previously filed in the public records of Williamson County are attached hereto, including:

- **Fence Policy**
- **Adoption Of Pool Rules**

FURTHER, other dedicatory instruments of the Davis Spring Residential Property Owners' Association, Inc. have already been filed in the public records of Williamson County as these documents supplement the previously filed documents.

SIGNED on this the 16<sup>th</sup> day of December, 2021.

Davis Spring Residential Property Owners' Association, Inc.

By: Spectrum Association Management, L.P.

By: Shelby Welch  
Shelby Welch  
Spectrum Association Management, L.P.  
Managing Agent

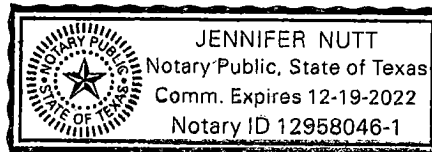
State of Texas §

County of Bexar §

This Instrument was acknowledged and signed before me on 16, December, 2021 by Shelby Welch, representative of Spectrum Association Management, the Managing Agent for Davis Spring Residential Property Owners' Association, Inc., on behalf of said association.

Jennifer Nutt  
Notary Public, State of Texas

After Recording Return To:  
Spectrum Association Management  
Attn: Transitions  
17319 San Pedro, #318  
San Antonio, TX 78232



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RECEIVED

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FENCE POLICY  
for  
DAVIS SPRING RESIDENTIAL PROPERTY OWNERS' ASSOCIATION, INC.

THE STATE OF TEXAS §

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COUNTY OF WILLIAMSON §

I, Robert Podnar Secretary of Davis Spring Residential Property Owners' Association, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association (the "Board") duly called and held on the 29<sup>th</sup> day of January, 2021, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Fence Policy (the "Policy") was duly approved by a majority vote of the members of the Board:

RECITALS:

1. This Policy is adopted by the Board of Directors of the Association, pursuant to the authority contained in the Master Declaration of Covenants, Conditions and Restrictions recorded in Volume 2560, Page 0923, et seq. of the Official Public Records of Real Property of Williamson County, Texas (the "Declaration"), as same has been or may be amended or supplemented from time to time, which shall be binding on all Owners and Lots within the Subdivision.

2. Article V, Section 5.4.A of the Declaration grants the Board the power to establish and promulgate rules on behalf of the Association.

3. Article VI, Section 6.1 of the Declaration provides that no Improvement shall be commenced, erected, constructed, placed or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein be made until the Plans and Specifications have been submitted to and approved by the Architectural Review Committee.

4. Pursuant to the authority in the Declaration, the Board desires to adopt a policy regarding fencing specifications for the Davis Spring Subdivision.

5. This Policy replaces any previously recorded or implemented policy that addresses the subjects contained herein.

6. Capitalized terms used in this Policy, but not defined herein, have the same meanings as that ascribed to them in the Declaration.

**POLICY:**

1. This Policy does not apply to concrete, masonry or concrete masonry unit walls adjacent to roadways designated as "collectors" by the City of Austin as defined in the Declaration.
2. Plans for construction of fences must be submitted to and approved in writing by the Architectural Review Committee (the "ARC"), as required by Article III and Article VI of the Declaration.
3. Unless otherwise approved by the ARC, only vertical wood pickets are allowed, with top corner of each picket cut off to form a 'notched' effect between pickets.
4. Unless otherwise approved by the ARC, Pickets are to be no less than 3 1/2 inches nor more than 6 inches wide, at least 5/8 inch thick and no more than 6 feet tall. Pickets should be cedar select #2 grade or better. Pine is not permitted.
5. It is recommended that fasteners used to secure the pickets be either ring shank stainless steel nails or galvanized screws in order to prevent streaking. Steel and/or hot-dipped galvanized nails are not recommended for use with cedar pickets.
6. Unless otherwise provided herein, all pickets must be on the same side of the horizontal rail for the full length of the rail. Batten fencing is not allowed.
7. All fences on property lines parallel and adjacent to any street must have the pickets on the street side of the horizontal rail, facing the street. Alternating panels are only allowed on interior side yard or back yard fencing.
8. Pickets must be butted together with no gap between pickets, except the gap created by natural shrinkage after the pickets are attached to the rails.
9. One horizontal kicker or "rot" board not wider than 6 1/2 inches is allowed at the fence bottom adjacent to ground, below the pickets.
10. Total overall fence height above ground level may be no more and no less than 6 feet, except when it is necessary to vary the height to keep the top of the picket line level in a case where the ground surface is not flat.
11. All vertical posts must be galvanized steel posts or 4 inch x 4 inch cedar, pressure-treated pine, or redwood wooden posts, set no less than 7 feet and no more than 8 feet apart except at fence corners, gates, and where the front fence connects from property line to house.
12. All gates must be constructed of the same wood material as the fence, and in the same architectural style as the fence.
13. It is recommended that new or fully replaced fences facing the street be stained a color that is consistent and harmonious with other fences in the community. Painting of fences or use of solid stains is not allowed.

14. Fences with faded or uneven staining must be re-stained within 30 days of discovery or notice or such deficiency.
15. All broken, rotten, or damaged fence boards must be replaced within 14 days of discovery.
16. All fences that have fallen due to winds or other causes or fences that are leaning such that the axis is more than 5 degrees out of perpendicular alignment with its base must be replaced within 30 days.
17. No front yard fencing is allowed. Fencing may not be installed closer to the street than the front of the home facing such street.
18. Unless otherwise approved by the ARC, fences visible from the street may not be altered in any form to incorporate artistic designs, cutouts, etc.
19. Violations. Violations of this Policy will be considered a violation of the Dedicatory Instruments governing the Association. After proper notice, the Association shall have the right to enforce this Policy by the initiation of legal proceedings seeking injunctive relief and/or damages, attorney's fees, costs of courts, and all other remedies, at law or equity, to which the Association may be entitled.
20. No Waiver. Further, failure to enforce any violation of this Policy by the Board shall not constitute waiver of the right to enforce any future violations.

*[This Space Intentionally Left Blank]*

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Fence Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Williamson County, Texas.

TO CERTIFY which witness my hand this the 30<sup>th</sup> day of September, 2021.

**DAVIS SPRING RESIDENTIAL PROPERTY OWNERS' ASSOCIATION, INC.**

By:



Printed:

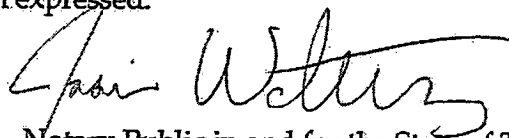
Robert Podnar

Its: Secretary

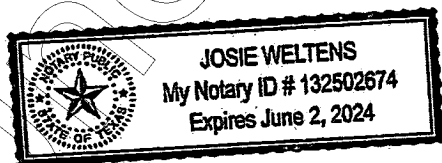
THE STATE OF TEXAS §

COUNTY OF Williamson §

BEFORE ME, the undersigned notary public, on this 30<sup>th</sup> day of September, 2021 personally appeared Robert Podnar, Secretary of Davis Spring Residential Property Owners' Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purpose and in the capacity therein expressed.



Notary Public in and for the State of Texas



**CERTIFICATE OF SECRETARY**  
**of**  
**DAVIS SPRING RESIDENTIAL PROPERTY OWNERS' ASSOCIATION, INC.**  
*regarding*  
**BOARD RESOLUTION**  
*adopting*  
**POOL RULES**

STATE OF TEXAS           §  
   §  
 COUNTY OF WILLIAMSON §

I, Megan Moller, Secretary of Davis Spring Residential Property Owners' Association, Inc. (the "Association"), do hereby certify that at a meeting of the Association's Board of Directors (the "Board") duly called and held on the 21 day of MAY, 2019, with at least a quorum of the members of the Board being present and remaining throughout, and being duly authorized to transact business, the following resolution was duly made and approved by a majority vote of the members of the Board:

Article 5, Section 4(b) of the Bylaws of the Association provides in pertinent part:

**Section 4. Powers and Duties of Directors.** The Board of Directors has the powers and duties necessary for the administration of the affairs of the Association and for the operation and maintenance of the Common Properties, and it may do all such acts and things as are not by law, by these Bylaws, or by the Declaration directed to be exercised and done exclusively by the Members. ... the Board of Directors is vested with, and responsible for, the following powers and duties:

- (b) The power and duty to conduct, manage and control the affairs and business of the Association, and to make and enforce such rules and regulations (the "Davis Spring Rules") therefore consistent with the law, with the Articles of Incorporation, the Declaration and these Bylaws, as the Board may deem necessary or advisable;

Article V, Section 5.4A of the Master Declaration of the Association provides in pertinent part:

... the Master Association and the Board, acting on behalf of the Master Association, shall have the power and authority at all times as follows:

(A) Davis Spring Rules and Bylaws. To make, establish and promulgate, and in its discretion to amend or repeal and re-enact, such Davis Spring Rules and Bylaws, not in conflict with this Declaration, as it deems proper covering any and all aspects of its function.

The Board of Directors hereby adopts the "Pool Rules" set forth below:

**POOL RULES**

***NO LIFEGUARD IS ON DUTY - SWIM AT YOUR OWN RISK***

1. IN CASE OF EMERGENCY, CALL 911. Address: 14814 Thatcher Dr., Austin, TX.
2. The access gates surrounding the pool are electronically locked for everyone's protection. Under no circumstances should the access gates be propped open. Davis Spring Members in good standing may access the pool with a pool key-card and photo id.
3. Members must have a pool key-card and photo id with them to enter pool area. The pool is for the use of Davis Spring Members and their invited guest(s)/appointed guardian(s) only. Members must accompany guests.
4. The use of all Davis Spring amenities, facilities and equipment is provided at your discretion. Use with caution. Swim at your own risk.
5. There are no lifeguards on duty at any time.
6. When on duty for special functions, lifeguards are the authority and their directives must be followed and may impose additional rules as deemed appropriate.
7. Children under the age of 14 must be accompanied by an adult 18 or older that is a Davis Spring Member or an appointed guardian.
8. A parent or guardian is responsible for their children's safety at all times and must be in the pool within arm's reach of any poor or non-swimmer.
9. Swimmers are encouraged to shower before entering the pool.
10. Flotation devices are permitted with fewer than 25 people in the pool or at the discretion of lifeguards present for special functions.

11. No activity deemed to be dangerous, unreasonable or offensive is allowed. No running, hopping, skipping or speed walking.
12. Loud or explicit music in pool area is prohibited.
13. No pets allowed in pool or in fenced pool area.
14. No diving.
15. No glass containers.
16. No alcohol, tobacco or vaping.
17. No weapons or illegal drugs are permitted. Presence of these items will be reported to police.
18. No food within six feet of the pool.
19. Place all trash in provided garbage containers.
20. No persons with open sores, wounds and bandages, or communicable diseases are allowed in the pool.
21. Proper swim attire is required. No "cut-offs" or street clothes are allowed. Incontinent swimmers and swimmers who are not toilet trained must use diapers specifically designed for swimming when in the pool or baby pool area and caregivers should check swim diapers frequently. Such diapers MUST be changed in the restrooms only.
22. Do not use the pool if you or your child has had diarrhea in the previous two weeks. IF A FECAL ACCIDENT OCCURS, notify other swimmers and exit the pool immediately. Please notify RealManage at 512-219-1927 for treatment and re-opening information. If you or your guests are found to have contaminated the pool, the cost of closing, cleaning and reopening the pool will be billed to the appropriate Member.
23. In the event of inclement weather, swimmers are to clear the pool for at least thirty (30) minutes after lightning and/or thunder has ceased.
24. Any additional posted rules must be followed.
25. Notwithstanding anything in these Pool Rules to the contrary, the Board shall have the right, without the obligation, in the event of an emergency, to take any such actions as are reasonably necessary to preserve the life, health and safety of owners, and other persons on or near the pool and to prevent damage or destruction of the pool.

Individuals or their guests reported or found to be in violation of any of the following pool rules will be subject to Davis Spring's enforcement and fine policy, reported to the



Davis Spring Board and/or the City of Austin Police Department. Individuals are not allowed to remain on the Amenity Center property or within the pool area after hours. Any individual(s) committing acts of vandalism to the pool, pool house, equipment, and/or surrounding area will lose privileges for a period determined by the Board and be held responsible for cleaning, repair of or financial responsibility for damaged items. In the event the individual(s) are juveniles, the parents shall assume full responsibility for their child's actions. The Board will consider all events individually and may lead to loss of privileges or fines.

This resolution supersedes any previous resolution or policy adopted concerning the subject matter addressed herein.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing resolution was approved as set forth above and now appears in the books and records of the Association.

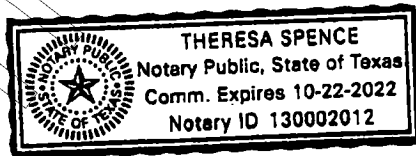
TO CERTIFY which witness my hand this the 21 day of MAY, 2019.

DAVIS SPRING RESIDENTIAL PROPERTY OWNERS' ASSOCIATION, INC.

By: [Signature]  
Printed: Megan Molleur  
Its: Secretary

THE STATE OF TEXAS §  
COUNTY OF Travis §

BEFORE ME, the undersigned notary public, on this 21 day of May, 2019 personally appeared Megan Molleur, Secretary of Davis Spring Residential Property Owners' Association, 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

Unofficial Document

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS 2021192908

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BCSAUBON



*Nancy E. Rister*  
Nancy E. Rister, County Clerk  
Williamson County, Texas