

Kaufman County
Laura Hughes
County Clerk

Instrument Number: 2015-0019237

MISCELLANEOUS

Party: HEARTLAND COMMUNITY ASSOCIATION INC

Billable Pages: 10
Number of Pages: 11

FILED AND RECORDED - REAL RECORDS	CLERKS COMMENTS
<p>On: 10/07/2015 at 08:46 AM</p> <p>Document Number: <u>2015-0019237</u></p> <p>Receipt No: <u>15-19018</u></p> <p>Amount: \$ <u>62.00</u></p> <p>Vol/Pg: <u>V:4892 P:532</u></p>	<p>E-RECORDING</p>



STATE OF TEXAS
COUNTY OF KAUFMAN

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the Official Public Records of Kaufman County, Texas.

Laura A. Hughes

Laura Hughes, County Clerk

Recorded By: Bobbie Bartlett, Deputy

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.

Record and Return To:

HENRY ODDO AUSTIN & FLETCHER
1700 PACIFIC AVENUE
DALLAS, TX 75201



AFTER RECORDING, PLEASE RETURN TO:
Judd A. Austin, Jr.
Henry Oddo Austin & Fletcher, P.C.
1700 Pacific Ave., Suite 2700
Dallas, Texas 75201

**FOURTH SUPPLEMENTAL
CERTIFICATE AND MEMORANDUM OF RECORDING
OF DEDICATORY INSTRUMENTS FOR
HEARTLAND COMMUNITY ASSOCIATION, INC.**

STATE OF TEXAS §
 §
COUNTY OF KAUFMAN §

The undersigned, as attorney for the Heartland Community Association, Inc., for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instruments affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instruments attached hereto are true and correct copies of the following:

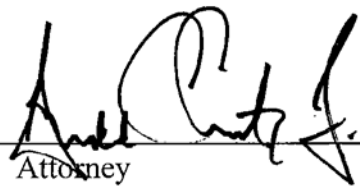
- ***Architectural Guidelines for the Installation of Standby Electric Generators*** (Exhibit "A-1"); and
- ***Architectural Guidelines for the Installation of Drought Resistant Landscaping*** (Exhibit "A-2").

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instrument.

IN WITNESS WHEREOF, Heartland Community Association, Inc. has caused this Fourth Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments to be filed of record with the office of the Kaufman County Clerk, and serves to supplement that certain Certificate and Memorandum of Recording of Association Documents for Heartland Community Association,

Inc. filed on March 2, 2009, and recorded as Instrument No. 2009-00003584 in the Official Public Records of Kaufman County, Texas, that certain First Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Heartland Community Association, Inc. filed on November 27, 2013, and recorded as Instrument No. 2013-0021721 in the Official Public Records of Kaufman County, Texas, that certain Second Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Heartland Community Association, Inc. filed on February 28, 2014, and recorded as Instrument No. 2014-0003256 in the Official Public Records of Kaufman County, Texas, and that certain Third Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Heartland Community Association, Inc. filed on October 22, 2014, and recorded as Instrument No. 2014-0018093 in the Official Public Records of Kaufman County, Texas.

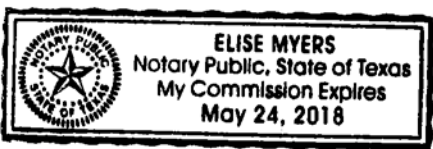
HEARTLAND COMMUNITY ASSOCIATION, INC.

By: 
Its: Attorney

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for the Heartland Community Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 5th day of October, 2015.




Notary Public, State of Texas

EXHIBIT A-1

THE HEARTLAND COMMUNITY ASSOCIATION, INC.

ARCHITECTURAL GUIDELINES FOR THE INSTALLATION OF STANDBY ELECTRIC GENERATORS

(As provided in Chapter 202 of the Texas Property Code)

Terms used but not defined in this policy will have the meaning subscribed to such terms in the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Heartland, recorded in the Official Public Records of Kaufman County, Texas, as amended

1. An Owner may not own, operate, install or maintain a permanently installed standby electric generator (a "Generator"), as such a generator is defined by §202.019 of the Texas Property Code without compliance with the standards and requirements contained herein.
2. A Generator must be fully enclosed in an integral manufacturer-supplied sound attenuating enclosure.
3. Any Generator installed by an Owner must be installed and maintained in compliance with the manufacturer's specifications and all applicable governmental health, safety, electrical, and building codes.
4. Any and all electrical, plumbing, and fuel-line connections for a Generator must be installed by a licensed contractor only.
5. Any and all electrical connections for a Generator must be installed in accordance with all applicable governmental health, safety, electrical, and building codes.
6. Any and all natural gas, diesel fuel, biodiesel fuel, or hydrogen fuel line connections for a Generator must be installed in accordance with all applicable governmental health, safety, electrical, and building codes.
7. Any and all liquefied petroleum gas fuel line connections must be installed in accordance with the rules and regulations promulgated and adopted by the Railroad Commission of Texas and all other applicable governmental health, safety, electrical, and building codes.
8. Non-integral Generator fuel tanks must be installed to comply with all applicable municipal zoning ordinances and all applicable governmental health, safety, electrical, and building codes.
9. The Generator, its electrical lines, and its fuel lines must be maintained in good condition. If any component of a Generator—including its electrical or fuel lines—becomes deteriorated or unsafe, that component must promptly be repaired or replaced. Failure to promptly repair or replace the component will be grounds for removal of the Generator. Any such component must be repaired or replaced in accordance with the

manufacturer's specifications or any applicable governmental health, safety, electrical, and building codes. The Owner must routinely and periodically test the Generator in a manner consistent with the manufacturer's recommendations.

10. A Generator may not be located in the front yard of a residential structure and cannot be visible from any area accessible by the general public. An Owner is prohibited from locating a Generator on any property that is Common Area whether or not owned by the Association.

A Generator must be screened from view if it is: (i) visible to the street faced by the residential structure; (ii) located in an unfenced side or rear yard of a residential structure and visible either from an adjoining residential structure or from any adjoining Common Area; or, (iii) located in a side or rear yard fenced by a wrought-iron or other "open" fence and visible through the fence either from an adjoining residential structure or from any adjoining Common Area. The screen must comply with any and all architectural-design guidelines as established by the Architectural Control Committee.

11. An Owner is prohibited from using a Generator to generate all, or substantially all, of the electrical power for a residential structure, except when utility-generated electrical power to the residential structure is not available or is intermittent due to causes other than non-payment for utility services to the residential structure.
12. Prior to installation of a Generator, an Owner must submit plans and specifications showing the proposed location of the Generator, as well as any proposed plans and specifications for screening. An application to install a Generator will be submitted and reviewed in the same manner and following the same process as any other request to modify or improve the exterior of a residential structure. Installation of a Generator cannot begin until approval has been received from the Architectural Control Committee. The Architectural Control Committee is not responsible for ensuring that an approved submission complies with any applicable governmental health, safety, electrical, and building codes.

These Architectural Guidelines are promulgated pursuant to and in accordance with Chapter 202 of the Texas Property Code addressing Standby Electric Generators.

These Architectural Guidelines were adopted by the Declarant. Such Guidelines shall remain in force and effect until revoked, modified or amended by the Declarant or, following the Declarant Control Period, the Board of Directors of the Association. These Guidelines shall be filed of record in the Official Public Records of Kaufman County, Texas.

Upon recording these Guidelines with the Office of the Kaufman County Clerk, the Association's community manager is authorized and directed to provide notice of these Guidelines, in appropriate form and substance, to the Owners through electronic mail and posting on the Association's website.

**HEARTLAND COMMUNITY
ASSOCIATION, INC.**

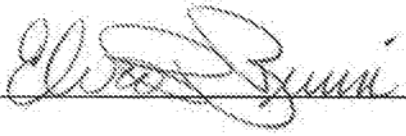
By:  Elvira R. Smith

EXHIBIT A-2

THE HEARTLAND COMMUNITY ASSOCIATION, INC.

ARCHITECTURAL GUIDELINES FOR THE INSTALLATION OF DROUGHT RESISTANT LANDSCAPING

(As provided in Chapter 202 of the Texas Property Code)

Terms used but not defined in this policy will have the meaning subscribed to such terms in the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Heartland, recorded in the Official Public Records of Kaufman County, Texas, as amended

Philosophy: Xeriscaping means using native and adaptive plants that can grow and sustain themselves with low water requirements and tolerate heat and drought conditions. Xeriscaping does not mean zero water and zero maintenance. The Architectural Control Committee will allow, subject to compliance with these rules, the use of drought-resistant landscaping and water conserving natural turf.

Approval for Changes. Plan Submittal: Prior to initiating any change in the visible landscape, the Owner must submit plans and specifications detailing the proposed installation. The request must include a to-scale design plan, as well as details on the types of plants, the ground covers (including color and materials), the bordering material(s), the hardscape materials (including color), setbacks, irrigation system, and dimensions. (dimensions of beds, approximate size of plants, size of any rocks, and other such details.) It is recommended but not required that plans be drawn by a licensed landscape architect to increase the chance of approval of plans without changes being required. The Architectural Control Committee may request additional information or changes to the plans before final approval. Installation of any proposed xeric landscape may not begin until the ACC has approved the request.

Design requirements: Color and texture of the planted areas and inert areas are an important design aspect. Color and texture should be seen to flow neatly from one area of the yard to another. Extensive areas of "desert" or "barren" appearance must be avoided in order to preserve the aesthetic compatibility with the neighborhood. Large areas may not be composed of a single material; for example any areas of bare mulch must be interspersed with plants. The Architectural Control Committee may, in its discretion, prohibit water features, urns, and other man-made ornamentation. The xeriscape landscaping may not alter drainage patterns on a Lot, and owners must ensure that no crushed granite or other such runoff runs into a neighboring Lot or the street.

Soils in xeriscape areas should either be altered to fit the plants, or plants selected to fit the soil. Efficient irrigations systems must be planned. Irrigation for xeriscapes zones must be different than for turf zones. Owners should select plants and zones in accordance with the amount of light, wind and moisture in the particular yard area. Organic mulches such as bark chips must be applied at least 3" deep and maintained at all times at least 2" deep. Inorganic mulches such as crushed rock must be applied at least 3" deep and maintained at

all times at least 2" deep.

Turf Grass: At least 70% of the visible lawn area of the Lot must contain some form of sodded grass. The exact requirement of the turf may vary from property to property and is dependent on the specific plan submitted.

Owners should consider replacing any "thirsty" turf grasses in place such as St. Augustine with turf that has lower water requirements.

Artificial turf is prohibited absent a variance from the Architectural Control Committee, which may be granted or denied in the sole discretion of the Architectural Control Committee. However the Architectural Control Committee shall have no authority to approve artificial turf in any area between the front-most building line of a Lot and the street.

Plants: It is recommended to use plants adapted to the pH soil conditions created by the non-turf materials used. i.e., don't use acid loving plants along with alkaline crushed limestone covering, whereas acid loving plants would do well with a ground hardwood mulch covering and native plants would do well with limestone or crushed granite. Sickly and dying plants must be promptly removed or replaced.

Hardscapes, rock, gravel, cactus: The Architectural Control Committee may prohibit or limit the size and number of hardscape items including boulders. The ACC may prohibit or limit the installation of rock ground cover (including gravel, and crushed stone). The Architectural Control Committee may prohibit or limit installation of cacti.

Borders: Non-turf planted areas must be bordered with an approved bordering material to define the xeriscaped area clearly from the turfed areas. Such areas must be kept maintained at all times (plants trimmed and thinned, planted areas weeded, and borders edged) to ensure an attractive appearance. No plants may encroach onto sidewalks, curbs, or streets.

Safety: No plant with thorns, spines, or sharp edges may be used within 6' of the sidewalk or street.

Maintenance: Xeric landscapes are subject to the same requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Xeriscape designs are not intended to be "zero maintenance"; in fact they often require more effort than turf throughout the year. Plants must be trimmed, beds must be kept weed-free and borders must be edged. Leaves and other debris must be removed on a regular basis so as to maintain a neat and attractive appearance. Perennials which die back during winter must be cut back to remove dead materials during winter. This includes most ornamental grasses and other flowering perennials which go dormant to the ground in winter.

These Architectural Guidelines are promulgated pursuant to and in accordance with Section 202.007 of the Texas Property Code.

These Architectural Guidelines were adopted by the Declarant. Such Guidelines shall remain in force and effect until revoked, modified or amended by the Declarant or, following the Declarant Control Period, the Board of Directors of the Association. These Guidelines shall be filed of record in the Official Public Records of Kaufman County, Texas.

Upon recording these Guidelines with the Office of the Kaufman County Clerk, the Association's community manager is authorized and directed to provide notice of these Guidelines, in appropriate form and substance, to the Owners through electronic mail and posting on the Association's website.

**HEARTLAND COMMUNITY
ASSOCIATION, INC.**

By: 

EXHIBIT B

Those tracts and parcels of real property located in the City of Forney, Kaufman County, Texas and more particularly described as follows:

- (a) Tract A, Phase 1A of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on February 22, 2006 as Document No. 99994036 in Volume 2827, Page 511; in Cabinet 2, Slide 705 of the Plat Records of Kaufman County, Texas; and
- (b) Tract A, Phase 1B of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on February 22, 2006 as Document No. 00004037 in Volume 2827, Page 512; in Cabinet 2, Slide 706 of the Plat Records of Kaufman County, Texas; and
- (c) Tract A, Phase 2A of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on January 5, 2007 as Document No. 00000417 in Volume 3056, Page 611; in Cabinet 2, Slide 778 of the Plat Records of Kaufman County, Texas; and
- (d) Tract A, Phase 2B of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on October 23, 2007 as Document No. 00025180 in Volume 3276, Page 11; in Cabinet 3, Slide 38 of the Plat Records of Kaufman County, Texas; and
- (e) Tract A, Phase 2C of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on January 5, 2007 as Document No. 00000421 in Volume 3056, Page 641; in Cabinet 2, Slide 757 of the Plat Records of Kaufman County, Texas; and
- (f) Tract A, Phase 3A of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on October 23, 2007 as Document No. 00025182 in Volume 3276, Page 14; in Cabinet 3, Slide 37 of the Plat Records of Kaufman County, Texas; and
- (g) Tract B, Phase 1A of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on February 22, 2006 as Document No. 00004035 in Volume 2827, Page 510; in Cabinet 2, Slide 704 of the Plat Records of Kaufman County, Texas; and

- (h) Tract B, Phase 2A of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on August 31, 2007 as Document No. 00020983 in Volume 3241, Page 266; in Cabinet 3, Slide 25 of the Plat Records of Kaufman County, Texas; and
- (i) Tract B, Phase 3A of **HEARTLAND**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on April 22, 2009 as Document No. 00006790 in Volume 3573, Page 408; in Cabinet 3, Slide 99 of the Plat Records of Kaufman County, Texas; and
- (j) **HEARTLAND Parcel 5**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded as Document No. 2007-00007342 of the Plat Records of Kaufman County, Texas; and
- (k) **HEARTLAND Parcel 6**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on September 14, 2015 as Document No. 2015-00147460 in Volume 4874, Page 186 of the Plat Records of Kaufman County, Texas; and
- (l) **HEARTLAND Parcel 6A, 7A, 8, 9A, 10A**, an Addition to the City of Forney, Kaufman County, Texas, according to the map or plat thereof recorded on May 29, 2015 as Document No. 2015-0009718 in Volume 4795, Page 35 of the Plat Records of Kaufman County, Texas.