

The following resolutions were adopted by the Windermere Homeowners Association (WHOA) Board of Directors. Topic keywords are highlighted in bold:

Windermere HOA Resolutions Adopted

Resolution: **Exterior holiday lights or decorations** may be erected on the exterior of the property in commemoration or celebration of publicly observed holidays provided that such lights or decorations do not unreasonably disturb the peaceful enjoyment of adjacent Owners by illuminating bedrooms or creating a noise nuisance. Decorations or lights may not be displayed more than two (2) weeks in advance of the holiday. Christmas or winter decorations may not be displayed prior to November 15th of each holiday year. All decorations, lights or winter decorations shall be removed thirty (30) days after the holiday. [Adopted 13 July 2009]

Resolution: The action of Board President Earl Wellborn in agreeing to the Service Plan for Proposed Annexation by the City of Pflugerville in Travis County, Texas, 2008 Heatherwilde/Windermere/Pflugerville Northwest with the City of Pflugerville in conjunction with Pflugerville's **planned** annexation of the Windermere subdivision is approved and ratified. [Adopted 9 July 2007]

Resolution: Any member or person, or the representative of any member or person, **engaged in litigation** with the Association is ineligible to serve on any Committee of the Association and is ineligible to serve in any volunteer capacity with respect to the Association. [Adopted 12 March 2007]

Resolution: Homeowners are responsible for notifying the WHOA of **changes of address**. Failure to do so is not an excuse to violate the CCRs. If homeowner moves and does not notify the WHOA of new address and the homeowner is subsequently assessed fines for violations, the fines will not be reduced lower than \$25.00 plus mail certification fees on appeal of the violation. [Adopted 13 November 2006.]

Resolution: Homeowners may use only a check or money order to pay any debt owed the WHOA. The WHOA cannot accept cash **payments**. [Adopted 8 August 2005.]

Resolution: Homes in Windermere may be used only for single family residences. A homeowner who uses his home primarily as a single family residence may use an interior portion of that home as a **home office** only if the home office business does not violate any federal, state, or local law or regulation, and has no exterior manifestation (including signage), and no characteristics that are deleterious to the residential nature of the neighborhood. [Adopted 12 April 2004.]

Resolution: **Outbuildings** (including sheds, play-houses, etc.) require WHOA ACC approval. As of April 12, 2004, the number of such outbuildings on any one lot shall not exceed two (2), unless the outbuildings all have been approved in writing by the WHOA ACC on or before April 12, 2004. This number limitation applies to all outbuildings irrespective of actual or intended use. [Adopted 12 April 2004.]

Resolution: The WHOA Board hereby authorizes the Property Manager to assess, after a warning letter has been sent via certified mail and after all Texas Property Code requirements have been met, daily fines of \$100 per day for repeated violations of the same type of CCRs that have a commercial nature. An example of a **commercial CCR violation** is the parking of a tow truck (wrecker), cement truck, dump truck, or 18-wheeler tractor anywhere in the subdivision in violation of the CCRs. [Adopted 10 May 2004.]

Resolution: The WHOA Board (a) affirms the existing policy which holds large industrial equipment to be unsightly and (b) finds that the keeping of **large industrial equipment** on a residential lot violates the single-family-use restriction. Examples of large industrial equipment include, but are not limited to, tow

trucks, wreckers, dump trucks, cement trucks, cement mixers, flat-bed trucks, panel trucks, 18-wheeler tractors, and 18-wheeler trailers. [Adopted 12 July 2004.]

Resolution: The WHOA Board hereby deems **aluminum foil**, and similar high-reflectivity metallic materials, used as window coverings to be unsightly and consequently a violation of Section 3.14 of the CCRs. [Adopted 8 November 2004.]

Resolution: The WHOA Board henceforth prohibits the use of WHOA parks for **political campaigning** by anyone. Violators will be subject to prosecution for criminal trespass. [Adopted 8 November 2004.]

Resolution: The WHOA Board hereby directs the Property Manager to assess, after a warning letter has been sent via certified mail and after all Texas Property Code requirements have been met, daily fines of \$100 per day for repeated violations of Sections 3.14 and 3.15 for **boats** (including jet skis, “wave-runners”, and all other water craft), **trailers** (including utility trailers, camper trailers, travel trailers, and all other trailers), and recreational vehicles (**RVs**), including motor homes and all similar vehicles. [Adopted 13 December 2004.]

Resolution: The WHOA Board affirms its policy to discourage **garage conversions** in general and specifically to disallow all garage conversions where the garage door has been replaced when viewed from outside, and directs the ACC to approve no garage conversions after December 13, 2004. [Adopted 13 December 2004.]

Resolution: The WHOA Board finds the **blowing or sweeping of lawn clippings and/or leaves** into the streets or alleyways or onto other lots to be in violation of Section 3.5 and an inappropriate handling of yard waste in violation of Section 3.7. Each homeowner is responsible for the actions of his or her landscaping contractor. [Adopted 13 December 2004.]

Resolution: **Outbuildings** (including sheds, play-houses, detached rooms, etc.) require prior written WHOA ACC approval per Sections 3.12 and 3.13. As of April 12, 2004, no more than two (2) outbuildings will be approved on any one lot. Effective December 13, 2004, no single outbuilding exceeding 144 square feet in area will be approved. If a homeowner seeks two outbuildings on a lot, neither outbuilding may individually exceed 100 square feet in area. Outbuilding areas are measured using the exterior surfaces of the finished walls. The WHOA Board directs the ACC henceforth to approve no outbuildings in violation of this resolution. [Adopted 13 December 2004.]

Resolution: The policy of the WHOA is to credit all **payments** received against the oldest debts on an account first. All payments received will be credited as per this policy irrespective of notations or qualifications made on the check or otherwise accompanying the payment by whatever method the payment is made. [Adopted 14 April 2003.] [Refinement of earlier policy adopted 26 March 2002: “The WHOA adopts the formal policy to credit payments received against an Owner’s oldest posted debts to the Association first.”]

Resolution: The WHOA directs the ACC to approve no plan for **new home construction** within Windermere unless the new home contains the Minimum Square Footage of living area, as defined below, exclusive of open or screened porches, terraces, patios, driveways, and/or garages. The Minimum Square Footage shall be either (a) 80% of the arithmetic average of the square footages of all existing homes located on Windermere lots that are, in whole or part, within a 200-foot linear distance from the nearest point on the subject lot, or (b) 90% of the square footage of the home previously existing on the subject lot, whichever is smaller. The Travis County Appraisal District tax roles shall be considered definitive for establishing the square footages of existing homes. [Adopted 14 April 2003.]

Resolution: Section 3.14 proscribes the keeping of **motorcycles** in residential driveways. This provision will be enforced henceforth with the following proviso. An enforcement exemption will be given only to a

single motorcycle properly parked on the parking pad of a home that did not have a garage at the time of original construction and does not have a garage currently, provided the motorcycle is in good repair, meets neighborhood noise norms, and has current registration and inspection stickers. This enforcement exemption is limited to one motorcycle per Lot. In all other cases, the motorcycle must be kept in the garage or off-site as per Section 3.14. [Adopted 14 April 2003.]

Resolution: An **illegal act** is defined as any violation of Federal or State law and/or any common law tort. In any situation where (1) the WHOA, its property, and/or any of its volunteers and/or employees is the intended or unintended target of an illegal act and (2) it is ultimately determined that an actor who perpetrated, participated in, or in any way caused or promoted the illegal act was a resident of Windermere, the WHOA may assess any and all costs incurred in the investigation and/or remediation of the illegal act to the account of the Owner of the Windermere property at which the actor resided at the time of the commission of the illegal act. The assertion that the Owner did not have prior knowledge of the commission of the illegal act is not grounds for exemption of the Owner from responsibility for the acts of a Windermere resident or a guest of a Windermere resident. [Adopted 10 November 2003.]

Resolution: The WHOA will accept for evaluation up to five specific **unsolicited complaints** of alleged CCR violations from any Owner in any calendar quarter. Complaints in excess of this limit will not be accepted nor considered. [Adopted 10 November 2003.]