

NOTICE OF DEDICATORY INSTRUMENTS
for
KISSING TREE COTTAGES CONDOMINIUMS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

The undersigned, being the authorized representative of Kissing Tree Cottages Condominiums Association, Inc. ("Association"), a property owners' association as defined in Section 202.001 of the Texas Property Code hereby certifies as follows:

1. Property: The Property to which the Notice applies is described as follows:
 - a. Kissing Tree Cottages Condominiums, a condominium regime located in Hays County, Texas as described in the "Development Area Declaration and Declaration of Condominium Regime for Kissing Tree Cottages Condominiums [Age-Restricted]" recorded in the Official Public Records of Real Property of Hays County, Texas under Clerk's File No. 20002667.
 - b. Kissing Tree Cottages Condominiums, Phase 5A, Sections 1 and 2, a condominium regime located in Hays County, Texas as described in the "Notice of Annexation Kissing Tree Cottages Condominiums [Age-Restricted] Phase 5A, Sections 1 and 2" recorded in the Official Public Records of Real Property of Hays County, Texas under Clerk's File No. 20002765.

2. Restrictive Covenants: The description of the documents imposing restrictive covenants on the Property, the amendments to such documents, and the recording information for such documents are as follows:
 - a. Documents:
 - (1) Kissing Tree Master Covenant.
 - (2) Kissing Tree First Amendment to Master Covenant.
 - (3) Kissing Tree Second Amendment to Master Covenant.
 - (4) Kissing Tree Development Area Declaration and Declaration of Condominium Regime for Kissing Tree Cottages Condominiums [Age-Restricted].
 - (5) First Amendment to Development Area Declaration and Declaration of Condominium Regime for Kissing Tree Cottages Condominiums [Age-Restricted].

- (6) Second Amendment to Development Area Declaration and Declaration of Condominium Regime for Kissing Tree Cottages Condominiums [Age-Restricted].
- (7) Declaration of Annexation and Third Amendment to the Development Area Declaration and Declaration of Condominium Regime for Kissing Tree Cottages Condominiums [Age-Restricted].
- (8) Notice of Annexation Kissing Tree Cottages Condominiums [Age-Restricted] Phase 5A, Sections 1 and 2.

b. Recording Information:

- (1) Hays County Clerk's File No. 16036339.
- (2) Hays County Clerk's File No. 19007296.
- (3) Hays County Clerk's File No. 20002310.
- (4) Hays County Clerk's File No. 20002667.
- (5) Hays County Clerk's File No. 20022920.
- (6) Hays County Clerk's File No. 20027683.
- (7) Hays County Clerk's File No. 21008131.
- (8) Hays County Clerk's File No. 20002765.

3. Other Dedicatory Instruments: In addition to the Restrictive Covenants identified in Paragraph 2 above, the following documents are Dedicatory Instruments governing the Association which were previously recorded in the Official Public Records of Real Property of Hays County, Texas:

a. Document:

- (1) Kissing Tree Community Enhancement Covenant.
- (2) Kissing Tree Adoption of Reserve Fund Contribution Kissing Tree Cottages Condominiums [Age-Restricted].
- (3) Kissing Tree Condominium Design Guidelines for Kissing Tree Cottages Condominiums [Age-Restricted].
- (4) Kissing Tree Cottages Condominiums [Age-Restricted] Policy Manual.

b. Recording Information:

- (1) Hays County Clerk's File No. 16036502.
- (2) Hays County Clerk's File No. 20002748.
- (3) Hays County Clerk's File No. 20002731.
- (4) Hays County Clerk's File No. 20002730.

4. Dedicatory Instruments: In addition to the Dedicatory Instruments identified in Paragraph 3 above, the following documents are Dedicatory Instruments governing the Association:

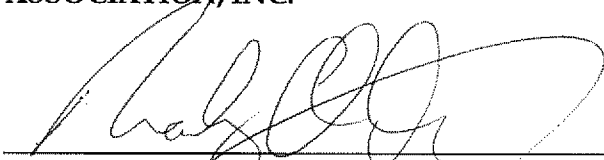
- a. Display of Religious Items Policy for Kissing Tree Cottages Condominiums Association, Inc.
- b. Document Retention Policy for Kissing Tree Cottages Condominiums Association, Inc.
- c. Open Records Policy for Kissing Tree Cottages Condominiums Association, Inc.

True and correct copies of such Dedicatory Instruments are attached to this Notice.

This Notice is being recorded in the Official Public Records of Real Property of Hays 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 Notice is true and correct and that the copies of the Dedicatory Instruments attached to this Notice are true and correct copies of the originals.

Executed on this 29th day of December, 2021.

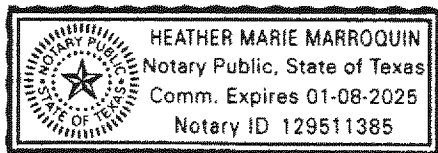
KISSING TREE COTTAGES CONDOMINIUMS ASSOCIATION, INC.

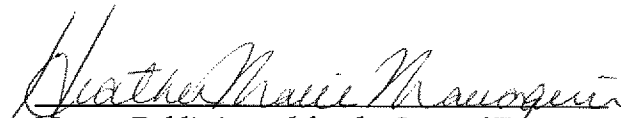
By: 

 Brady E. Ortego, authorized representative

THE STATE OF TEXAS §
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 COUNTY OF BEXAR §

BEFORE ME, the undersigned notary public, on this 29th day of December, 2021 personally appeared Brady E. Ortego, authorized representative of Kissing Tree Cottages Condominiums Association, 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.





 Notary Public in and for the State of Texas

DISPLAY OF RELIGIOUS ITEMS POLICY
for
KISSING TREE COTTAGES CONDOMINIUMS ASSOCIATION, INC.

STATE OF TEXAS §
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COUNTY OF HAYS §

I, John C. Mastin, Secretary of Kissing Tree Cottages Condominiums 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 6th day of December, 2021, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Display of Religious Items Policy was duly approved by a majority vote of the members of the Board:

RECITALS:

1. The property encumbered by this Document Retention Policy is that property restricted by the Development Area Declaration of Condominium Regime for Kissing Tree Cottages Condominiums, recorded in the Official Public Records of Real Property of Harris County, Texas, under Clerk's File No. 20002667 in addition to the Master Covenant recorded in the Official Public Records of Real Property of Hays County, Texas under County Clerk's File No. 16036339, as have been or may be amended and/or supplemented from time to time (collectively, the "**Declaration**"), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association.

2. Section 202.018 of the Texas Property Code (the "**Code**") gives owners and residents certain statutory rights to install religious items subject to the right of the Association to adopt certain rules and regulations regulating the religious items and placement.

3. The Board of Directors of the Association desires to adopt a display of religious items policy consistent with the provisions of Section 202.018 of the Code.

4. This Display of Religious Items Policy replaces and supersedes any previously recorded or implemented policy that addresses the subjects contained herein, if any, adopted by the Association.

POLICY:

Owners and residents are generally permitted to display or affix one or more religious items on the owner's or resident's property or dwelling, the display of which is motivated by the owner's or resident's sincere religious belief.

Cottages Condo Reviewer Application Required. Before a religious display contemplated by the Code is displayed or affixed on an owner's or resident's property, an application must be

submitted to the Cottages Condo Reviewer and approved in writing in accordance with the Declaration. The following information must be included with the application:

- a. Type and description of religious display;
- b. Site plan indicating the location of the proposed religious display with respect to any applicable building line, right-of-way, setback or easement on the owner's or resident's property.

Notwithstanding the foregoing, the following displays shall not require Cottages Condo Reviewer approval. All other religious displays shall require Cottages Condo Reviewer approval as set forth above.

- a. One or more religious items displayed or affixed on the entry of an owner's or resident's dwelling, not exceeding twenty-five (25) square inches, shall not require Cottages Condo Reviewer approval.
- b. Seasonal holiday decorations which are temporary and commonly associated with a seasonal holiday may be displayed no more than thirty days before and thirty days after the seasonal holiday in question. The Board has the sole discretion to determine what constitutes a seasonal holiday decoration. Should an owner or resident desire to permanently display a religious display, an application is required as set forth above.

The display or affixing of a religious item on the owner's or resident's property or dwelling is prohibited under the following circumstances:

1. The item threatens the public health or safety;
2. The item violates a law other than a law prohibiting the display of religious speech;
3. The item contains language, graphics or any display that is patently offensive to a passerby for reasons other than its religious content;
4. The item is installed on property:
 - a. owned or maintained by the Association; or
 - b. owned in common by members of the Association.
5. The item violates any building line, right-of-way, setback or easement that applies to the religious item pursuant to a law or the Association's dedicatory instruments; or
6. The item is attached to a traffic control device, street lamp, fire hydrant or utility sign, pole or fixture.

Any installation not in compliance with this Policy will be considered a violation of the

dedicatory instruments governing the community.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Display of Religious Items 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 Hays County, Texas.

TO CERTIFY which witness my hand this the 15th day of December, 2021.

Kissing Tree Cottages Condominiums Association, Inc.

By: [Signature]

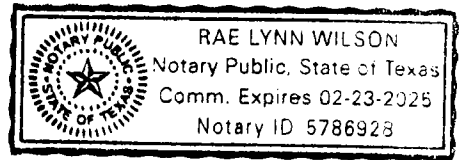
Printed: John E. Mastin

Its: Secretary

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

BEFORE ME, the undersigned notary public, on this 15th day of December, 2021 personally appeared John C. Mastin, Secretary of Kissing Tree Cottages Condominiums Association, 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.

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



DOCUMENT RETENTION POLICY
for
KISSING TREE COTTAGES CONDOMINIUMS ASSOCIATION, INC.

THE STATE OF TEXAS §
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COUNTY OF HAYS §

I, John C. Mastin, Secretary of Kissing Tree Cottages Condominiums 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 6th day of December, 2021, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Document Retention Policy was duly approved by a majority vote of the members of the Board:

RECITALS:

1. The property encumbered by this Document Retention Policy is that property restricted by the Development Area Declaration of Condominium Regime for Kissing Tree Cottages Condominiums, recorded in the Official Public Records of Real Property of Harris County, Texas, under Clerk's File No. 20002667 in addition to the Master Covenant recorded in the Official Public Records of Real Property of Hays County, Texas under County Clerk's File No. 16036339, as have been or may be amended and/or supplemented from time to time (collectively, the "**Declaration**"), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association.

2. Chapter 82 of the Texas Property Code was amended to add Section 82.1141(l) to set forth document retention procedures and to require condominium unit owners' associations to adopt and record document retention policies consistent with the procedures set forth in the statute.

3. The Board of Directors of the Association desires to adopt a policy relating to the retention of various types of financial and other records of the Association.

4. This Document Retention Policy replaces and supersedes any previous records retention policy, if any, adopted by the Association.

POLICY:

This Policy provides for the future systematic review, retention, and destruction of documents received or created by the Association in connection with the transaction of the Association's business. This Policy covers all records and documents, regardless of physical form,

and contains guidelines for how long certain documents should be kept and how records should be destroyed.

It is the policy of the Association to retain the records of the Association listed below for the periods of time set forth below. Documents that may not be specifically listed will be retained for the time period of the documents most closely related to them as listed below. Electronic documents will be retained as if they were paper documents. Therefore, any electronic files that fall into one of the document types listed below will be maintained for the identified time period. Provided, however, at the option of the Board of Directors, documents may be retained for a longer period of time. As used herein, "records" means documents originated or obtained by the Association in connection with its operations, whether a paper document or a document in electronic form.

1. Retention Periods.

DOCUMENT TYPE	DEFINED	TIME PERIOD	EXCEPTION
Account Records of Current Owners	Member assessment records	Five (5) years	Unless period of ownership exceeds five (5) years, then retain last five (5) years.
Audit Records	Independent Audit Records	Seven (7) years	
Bylaws	And all amendments	Permanently	
Certificate of Formation	And all amendments	Permanently	
Contracts	Final contracts between the Association and another entity	Later of completion of performance or expiration of the contract term plus four (4) years	
Financial Books & Records	Year End Financial Records and supporting documents	Seven (7) years	
Minutes of Board & Owners Meetings	Board minutes and written consents in lieu of a meeting; Annual and special member meetings	Seven (7) years	

Voting records, proxies and correspondence relating to amendments to Declaration	All amendments to Declaration	Permanently	
Restrictive Covenants	And all amendments	Permanently	
All Other Dedicatory Instruments¹	And all amendments	Permanently	
Condominium Information Statement	And all amendments	Permanently	
Plans and specifications for construction of condominium buildings	And all amendments	Permanently	
Tax Returns	Federal and State Income and Franchise Tax Returns and supporting documentation	Seven (7) years	

2. Destruction of Documents.

The documents listed in Section 1 above, will be destroyed as soon as practicable when the applicable retention period expires. Destruction of paper documents will be by shredding, bagging and trash pick-up, unless another method of destroying the documents is approved by the Board of Directors of the Association. Destruction of electronic documents will be by deletion from hard disks and reformatting of removable disks. Provided, however, immediately upon learning of an investigation or court proceeding involving an Association matter, all documents and records (both hard copy and electronic, including e-mail) related to the investigation or proceeding must be preserved; this exception supersedes any established destruction schedule for the records in question to the contrary.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Document Retention 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 Hays County, Texas.

¹ As defined by § 82.003(a)(11-a) of the Texas Property Code.

TO CERTIFY which witness my hand this the 15th day of December, 2021.

Kissing Tree Cottages Condominiums Association, Inc.

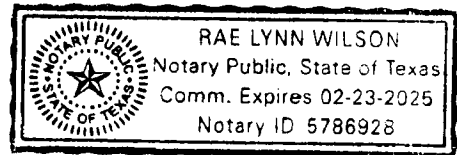
By: *John C. Mastin*
Printed: John C. Mastin

Its: Secretary

THE STATE OF TEXAS §
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COUNTY OF HAYS §

BEFORE ME, the undersigned notary public, on this 15th day of December 2021 personally appeared John C. Mastin, Secretary of Kissing Tree Cottages Condominiums 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.

Rae Lynn Wilson
Notary Public in and for the State of Texas



OPEN RECORDS POLICY
for
KISSING TREE COTTAGES CONDOMINIUMS ASSOCIATION, INC.

THE STATE OF TEXAS §
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COUNTY OF HAYS §

I, John C. Mastin, Secretary of Kissing Tree Cottages Condominiums 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 16th day of December, 2021, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Open Records Policy was duly approved by a majority vote of the members of the Board:

RECITALS:

1. The property encumbered by this Open Records Policy is that property restricted by the Development Area Declaration of Condominium Regime for Kissing Tree Cottages Condominiums, recorded in the Official Public Records of Real Property of Harris County, Texas, under Clerk's File No. 20002667 in addition to the Master Covenant recorded in the Official Public Records of Real Property of Hays County, Texas under County Clerk's File No. 16036339, as have been or may be amended and/or supplemented from time to time (**collectively, the "Declaration"**), and any other property which has been or may be subsequently annexed thereto and made subject to the authority of the Association.
2. Chapter 82 of the Texas Property Code was amended to add Section 82.1141 to set forth open records procedures and to require condominium unit owners' associations to adopt and record open records policies consistent with the procedures set forth in the statute.
3. The Board of Directors of the Association desires to adopt an open records policy consistent with the provisions of Section 82.1141 of the Texas Property Code.
4. This Open Records Policy replaces and supersedes any previous open records policy, if any, adopted by the Association.

POLICY:

It is the policy of the Association to make the books and records of the Association, including financial records, open to and reasonably available for examination by an Owner, or a person designated in a writing signed by the Owner as the Owner's agent, attorney, or certified public accountant (the "**Owner's Representative**") in accordance with the following provisions:

1. **Request.** An Owner or the Owner's Representative must submit a written request for access or information. The written request must:

- a. be sent by certified mail to the mailing address of the Association or to the authorized representative of the Association as reflected on the most current Management Certificate of the Association filed of record in accordance with Section 82.116 of the Texas Property Code;
- b. describe with sufficient detail the books and records of the Association that are requested; and
- c. state whether the Owner or the Owner's Representative elects to inspect the requested books and records before obtaining copies or have the Association forward copies of the requested books and records.

2. **Election to Inspect.** If an inspection is requested, the Association must send written notice to the Owner or the Owner's Representative of dates during normal business hours that the Owner or the Owner's Representative may inspect the requested books and records. Such written notice must be sent on or before the tenth (10th) business day after the date the Association receives the request, unless the Association sends a notice to the Owner or Owner's Representative in accordance with Section 4 below.

3. **Election to Obtain Copies.** If copies of the identified books and records are requested, the Association must produce copies of the requested books and records on or before the tenth (10th) business day after the date the Association receives the request, unless the Association sends a notice to the Owner or Owner's Representative in accordance with Section 4.

4. **Inability to Produce Records Within 10 Days.** If the Association is unable to produce requested books and records on or before the tenth (10th) business day after the date the Association receives the request, the Association must provide written notice to the Owner or the Owner's Representative that:

- a. informs the Owner or the Owner's Representative that the Association is unable to produce the requested books and records on or before the tenth (10th) business day after the date the Association received the request; and
- b. states a date by which the requested books and records will be sent or made available for inspection, which date shall not be later than the fifteenth (15th) business day after the date such notice is given.

5. **Extent of Books and Records.** The Association must produce books and records requested by an Owner or an Owner's Representative to the extent those books and records are in the possession, custody or control of the Association.

6. **Time of Inspection; Copies.** If an inspection of books and records is requested or required, the inspection will take place at a mutually agreed upon time during normal business hours. At the inspection, the Owner or the Owner's Representative may identify the books and records to be copied and forwarded. The Association must thereafter make copies of such books and records at the cost of the Owner and forward them to the Owner or the Owner's Representative.

7. **Format.** The Association may produce books and records requested by an Owner or an Owner's Representative in hard copy, electronic or other format reasonably available to the Association.

8. **Costs.** The Association may charge an Owner for the compilation, production or reproduction of books and records requested by the Owner or the Owner's Representative, which costs may include all reasonable costs of materials, labor, and overhead. Costs will be billed at the rates established by Title 1 of the Texas Administrative Code, Section 70.3 ("**Section 70.3**"), as same may be amended from time-to-time. As of the date of this Policy, the rates set forth below are established by Section 70.3. Should the rates set forth in Section 70.3 ever be different than in this policy (either through amendment or error by this policy) the then current rates set forth in Section 70.3 shall control.

Labor for locating, compiling and reproducing records*	\$15.00 per hour
Overhead charge*	20% of labor costs
Copies (8½ x 11 and 8½ x 14)	\$0.10 per page
Oversize paper copies (11 x 17, greenbar and bluebar)	\$0.50 per page
Specialty papers (blue print and maps)	actual cost
Diskette	\$1.00
Magnetic tape or data or tape cartridge	actual cost
CD	\$1.00
DVD	\$3.00
VHS video cassette	\$2.50
Audio cassette	\$1.00
Other	At the rate provided for in Section 70.3

9. **Advance Payment of Estimated Costs.** The Association must estimate the costs of compiling, producing and reproducing books and records requested by an Owner or an Owner's Representative on the basis of the rates set forth in Section 8 above. The Association may require advance payment of the estimated costs of compiling, producing and reproducing the requested books and records.

10. **Actual Costs.**

10.1. If the actual costs of compiling, producing and reproducing requested books and records are less than or greater than the estimated costs, the Association will submit

* No labor or overhead will be charged if there are 50 or fewer pages unless the documents are in 2 or more separate buildings not physically connected to each other or in a remote storage facility.

a final invoice to the Owner on or before the thirtieth (30th) business day after the date the requested books and records are delivered.

- 10.2. If the final invoice includes additional amounts due from the Owner, the Owner is required to pay the additional amount to the Association before the thirtieth (30th) business day after the date the invoice is sent to the Owner.
- 10.3. If the final invoice indicates that the actual costs are less than the estimated costs, the Association must refund the excess amount paid by the Owner not later than the thirtieth (30th) business day after the date the invoice is sent to the Owner.
- 10.4. If the Owner fails to pay to the Association the additional amounts shown in the final invoice in accordance with Subsection 10.1 above, the Association may add the additional amount to the Owner's assessment account as an assessment.

11. Books and Records Not Required to be Produced.

- 11.1. To the extent the requested information is not located in meeting minutes, unless an Owner whose records are the subject of a request provides express written approval to the Association or unless a court order is issued directing either the release of books and records or that books and records be made available for inspection, the Association is not required to release or allow inspection of books and records that:
 - a. identify the history of violations of dedicatory instruments of an individual Owner;
 - b. disclose an Owner's personal financial information, including records of payment or nonpayment of amounts due the Association;
 - c. disclose an Owner's contact information or Owner's address;
or
 - d. disclose information related to an employee of the Association, including personnel files.
- 11.2. In addition, information may be released in an aggregate or summary manner that will not identify an individual property Owner.

12. Business Day. As used in this policy, "business day" means a day other than a Saturday, Sunday or state or federal holiday.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Open Records 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 Hays County, Texas.

TO CERTIFY which witness my hand this the 15th day of December, 2021.

Kissing Tree Cottages Condominiums Association, Inc.

By: [Signature]

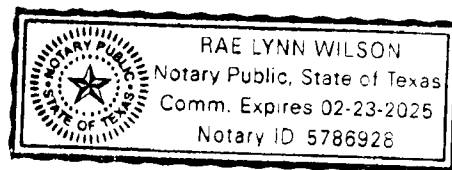
Printed: John C. Mastin

Its: Secretary

THE STATE OF TEXAS §
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COUNTY OF HAYS §

BEFORE ME, the undersigned notary public, on this 15th day of December, 2021 personally appeared John C. Mastin, Secretary of Kissing Tree Cottages Condominiums Association, 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.

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



**THE STATE OF TEXAS
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

21071447 NOTICE
12/30/2021 09:50:29 AM Total Fees: \$82.00

Elaine H. Cárdenas, MBA, PhD, County Clerk
Hays County, Texas

