

AFFIDAVIT IN COMPLIANCE WITH SECTION 202.006
OF THE TEXAS PROPERTY CODE

SCANNED

THE STATE OF TEXAS

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§



COUNTY OF BEXAR

BEFORE ME, the undersigned authority, on this day personally appeared H.J. BUCKLEY, who, being by me duly sworn according to law, stated the following under oath:

"My name is H.J. BUCKLEY. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

I am the managing agent of Stone Oak Property Owners Association, Inc., a Texas corporation (the "Association"). I am also a custodian of the records for the Association and I have been authorized by the Association's Board of Directors to sign this Affidavit.

The Association is a "property owners' association" as that term is defined in *Section 202.001 of the Texas Property Code*. The Association's jurisdiction includes, but may not be limited to, the property described in Exhibit "A" attached to the Resolution attached hereto and made a part hereof and being the property subject to the Second Amended and Restated Master Plan as recorded in Volume 11591, Page 374 et seq. of the Official Public Records of Real Property of Bexar County, Texas, as amended by the First Amendment to the Second Amended and Restated Stone Oak Master Plan, recorded in Volume 11789, Page 769 et seq. of the Real Property Records of Bexar County, Texas; and as amended by the Second Amendment to the Second Amended and Restated Stone Oak Master Plan, recorded in Volume 12251, Page 1414 et seq. of the Real Property Records of Bexar County, Texas

Attached hereto are the originals of, or true and correct copies of, the following dedicatory instruments, including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:

*Unanimous Consent of the Board of Directors of
Stone Oak Property Owners Association, Inc. (A Texas Nonprofit Corporation)
For Adoption of Policies Affecting Change In Land Use and Sidewalk Construction*

The documents attached hereto are subject to being supplemented, amended or changed by the Association. Any questions regarding the dedicatory instruments of the Association may be directed to the Association at:

Stone Oak Property Owners Association, Inc.
19210 Huebner Road, Suite 102
San Antonio, Texas 78258
Telephone number: (210) 490-9481
Telefax number: (210) 490-1391



SIGNED on this the 18th day of July, 2008.

H.J. BUCKLEY, Managing Agent

VERIFICATION

THE STATE OF TEXAS §
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COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared H.J. BUCKLEY, who, after being duly sworn stated under oath that he/she has read the above and foregoing Affidavit and that every factual statement contained therein is within his/her personal knowledge and is true and correct.

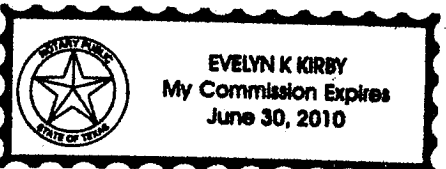
SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 18th day of July, 2008.



Evelyn K Kirby
NOTARY PUBLIC, STATE OF TEXAS

THE STATE OF TEXAS §
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COUNTY OF BEXAR §

This instrument was acknowledged before me on the 18th day of July, 2008, by H.J. BUCKLEY, as Managing Agent of the Stone Oak Property Owners Association, Inc., on behalf of said corporation.



Evelyn K Kirby
NOTARY PUBLIC, STATE OF TEXAS

After Recording, Return To:
Michael B. Thurman
Thurman & Phillips, P.C.
8000 IH 10 West, Ste 1000
San Antonio, Texas 78230

**UNANIMOUS CONSENT OF THE BOARD OF DIRECTORS OF
STONE OAK PROPERTY OWNERS ASSOCIATION, INC.
(A TEXAS NONPROFIT CORPORATION)
FOR ADOPTION OF POLICIES AFFECTING
CHANGE IN LAND USE AND SIDEWALK CONSTRUCTION**

The undersigned, being all the members of the Board of Directors of Stone Oak Property Owners Association, Inc., a Texas nonprofit corporation (the "Association"), acting pursuant to the provisions of the laws of the State of Texas, do hereby consent that, when the undersigned have signed this consent or an exact counterpart hereof, the resolutions hereinafter set forth shall be deemed to have been adopted to the same extent, and to have the same force and effect, as if adopted at a formal meeting of the Board of Directors of the Association, duly called and held for the purpose of acting upon proposals to adopt such resolutions:

WHEREAS, Stone Oak, Inc. established certain general development controls and general deed restrictions pertaining to the Stone Oak Planned Community, San Antonio, Bexar County, Texas ("Stone Oak"), located on approximately 4,300 acres of land in Bexar County, Texas, more fully described in Exhibit "A" attached hereto and incorporated herein, pursuant to a Second Amended and Restated Stone Oak Master Plan for Stone Oak (the "Master Plan"), recorded August 19, 2005, in Volume 11591, Page 374 et seq. of the Real Property Records of Bexar County, Texas, and the First Amendment to the Second Amended and Restated Stone Oak Master Plan, recorded in Volume 11789, Page 769 et seq., Real Property Records of Bexar County, Texas, as amended from time to time as permitted by the Master Plan; and

WHEREAS, the Amended By-Laws of the Association empower the Board of Directors upon the termination of the Project Planning Committee to enforce all General Deed Restrictions contained in the Master Plan and/or other governing documents of the Association and to exercise all lawful acts and activities specified in the Governing Documents of the Association; and

WHEREAS, the Amended By-Laws and the Master Plan empower the Board of Directors to adopt and publish such reasonable policies, rules and regulations as may be deemed necessary by the Board of Directors from time to time, including policies and rules regulating the use, maintenance, repair and improvement of property within Stone Oak as necessary to continue to preserve the aesthetic beauty, appearance, standard, philosophy and similar architectural design as historically required and presently imposed by the Stone Oak Architectural Review Committee; and

WHEREAS, the Architectural Review Committee previously presented to the Board of Directors for consideration and approval policies related to (i) land use changes in Stone Oak and (ii) construction of sidewalks which are required to be constructed by property owners in and along public streets and thoroughfares within Stone Oak; and

WHEREAS, the Board of Directors, as the governing body empowered by the Amended By-Laws to make changes in the land use designation of any property located within Stone Oak as defined by the Master Plan, has determined the present procedures for consideration and approval or disapproval of requested changes should be amended and a new policy should be adopted; and

WHEREAS, the Board of Directors approve the Architectural Review Committee recommended policy for the construction of sidewalks.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Stone Oak have duly adopted the following policies, rules and regulations in connection with the matters as stated:

1. Land Use. Pursuant to the powers and authority granted by Article XI, Section 11.01(P) of the Amended By-Laws, the Board of Directors is the governing body empowered to process and approve or deny requests for modifications, variances or amendments to the permitted uses of property as set forth in the Master Plan.

A Procedure. The procedure to be followed by the Board of Directors in processing any request for a change in a land use designation set forth in the Master Plan shall be as follows:

- (i) The applicant shall be the owner of the affected property, as evidenced by the Real Property Records of Bexar County, Texas, of any tract of land located within Stone Oak or FC Properties, its successors or assigns (the "Developer"). Any modification, variance or amendment requested by an owner shall affect only the property owned by such owner and which is specifically subject to the submitted request.
- (ii) Applicant shall deliver to the Architectural Review Committee applicant's written request for modification, variance or amendment, all plans, specifications, surveys, plats or such other supporting documentation (the "Submittal Documents") reasonably required by the Board of Directors and the submittal fee, as set from time to time by the Board of Directors. The Architectural Review Committee shall convene a meeting for consideration of the request within twenty-one (21) days from the date of receipt of the Submittal Documents and the submittal fee. Within five (5) days of the meeting of the Architectural Review Committee, the Architectural Review Committee shall submit its recommendation along with the Submittal Documents to the Board of Directors for review and consideration.
- (iii) At the next regularly scheduled meeting of the Board of Directors after the Architectural Review Committee has submitted its recommendations and the Submittal Documents, the Board of Directors shall consider the request and approve or disapprove the request in accordance with the terms of the By-Laws. If the Board of Directors does not take action within thirty (30) days after receipt of the recommendation and Submittal Documents from the Architectural Review Committee, then such request shall be considered to be disapproved.
- (iv) If applicant's request is denied, either by vote or inaction, applicant shall have a right to appeal such denial to the Board of Directors. If applicant should choose to appeal the denial of applicant's request, applicant shall notify the Board of Directors in writing of applicant's requested appeal. The Board of Directors shall schedule the appeal for the next regularly scheduled meeting of the Board of Directors. At such meeting, applicant shall be permitted to present its arguments of appeal. After receiving the arguments of applicant, the Board of Directors shall have fifteen (15) days from the date of the meeting to consider applicant's appeal and provide applicant with the Board of Director's determination after reconsideration.
- (v) The applicant, along with each request, shall:
 - a. Provide at least two (2) copies of the request and Submittal Documents (including text and maps) to the Board of Directors, and
 - b. Submit the required processing fee, which shall be set by the Board of Directors from time to time for the purpose of defraying the costs incurred

by the Association for consideration of the request including, without limitation, postage, reproduction costs, engineering fees, recording fees, attorney's fees, and any other fees and expenses incurred in connection with such request.

- c. The fees to be paid by applicant shall be due and payable upon submittal of the request. No action shall be taken by the Board of Directors until the submittal fee is paid in full.

B. Notice of Records. The Board of Directors hereby gives notice that records pertaining to the Master Plan, including modifications, variances, amendments, approvals, waivers and land use changes given in respect of land covered by the Master Plan are maintained at the offices of the Stone Oak Property Owners Association, Inc. at the following address:

Stone Oak Property Owners Association, Inc.
19210 Huebner Road, Suite 102
San Antonio, Texas 78258

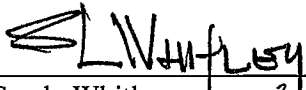
and further, that such records shall be effective against all owners of property located in Stone Oak.

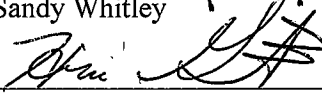
2. Construction of Sidewalks. All lots contiguous to public streets or thoroughfares shall have sidewalks abutting said public street or thoroughfare. With respect to lots classified as corner lots or other type lots with multiple street frontage, such lots shall have sidewalks on all sides which abut public streets or thoroughfares. For tracts platted that abut the right-of-way but not the public street or thoroughfare, sidewalks shall be constructed in the right-of-way in locations in accordance with the requirements of the City of Antonio and/or the Architectural Review Committee. The construction of the required sidewalks shall be the responsibility of the developer and shall be constructed contemporaneously with the improvement of the adjacent property to which it is appurtenant. For sidewalks that are to be constructed in the right-of-way of a public street or thoroughfare (between the platted lot(s) and the curb), the sidewalks shall be constructed simultaneously with the construction of the infrastructure of the subdivision or the improvement of a tract platted as a single lot.

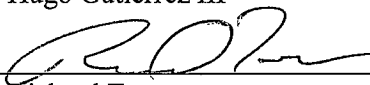
All sidewalks shall be constructed in the locations and in accordance with the design requirements under the applicable Codes of the City of San Antonio and/or the requirements imposed by the Architectural Review Committee in accordance with its adopted policies. The more restrictive of the requirements shall apply. The finish of all sidewalks adjacent to major thoroughfares shall be in harmony with the adjacent developments as determined and approved by the Architectural Review Committee prior to installation. The finish of all other sidewalks shall be in harmony with the neighborhood in which they are constructed as determined and approved by the Architectural Review Committee of the applicable neighborhood prior to installation. Should the owner fail to complete such sidewalk in accordance with the applicable Codes of the City of San Antonio and/or the policy for construction of sidewalks as herein adopted within thirty (30) days of the receipt of written demand therefore, the Board of Directors, its employees, agents and contractors, shall have the right but not the obligation to enter upon such property for the purpose of completing the sidewalk in accordance with these requirements. All costs, fees and expenses (including attorney's fees incurred by the Association) as a result of the violation of this provision shall be enforceable and collectable as permitted by the Master Plan. All sidewalk construction shall conform to the latest criteria of the Americans with Disabilities Act (ADA). Sidewalks shall be constructed so as to align vertically and horizontally with adjoining sidewalks unless otherwise approved by the Architectural Control Committee. Sidewalks shall be constructed in a location and in such a manner to ensure the sidewalk remains unobstructed.

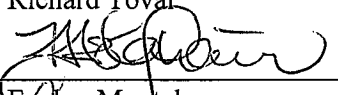
This Resolution and Policy was adopted by Board of Directors of Stone Oak Property Owners Association on this 16th day of July 2008.

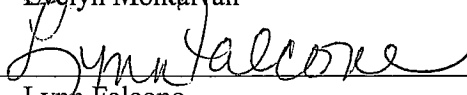
THE BOARD OF DIRECTORS

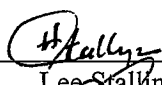
By: 
Sandy Whitley

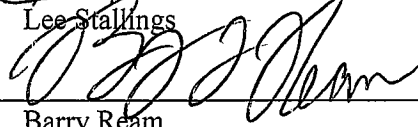
By: 
Hugo Gutierrez III

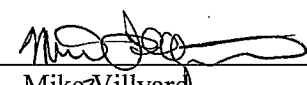
By: 
Richard Tovar


By: 
Evelyn Montalvan

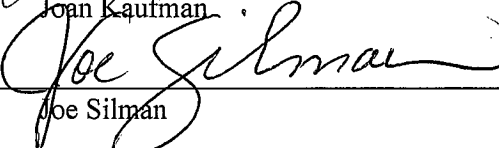
By: 
Lynn Falcone

By: 
Lee Stallings

By: 
Barry Ream

By: 
Mike Villyard

By: 
Joan Kaufman

By: 
Joe Silman

Doc# 20080157757 Fees: \$36.00
07/23/2008 11:47AM # Pages 6
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

Any provision herein which restricts the sale, or use of the-described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this Instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

JUL 23 2008




COUNTY CLERK BEXAR COUNTY, TEXAS