THE CROSSING AT KENBERG
ARCHITECTURAL REVIEW COMMITTEE
MANUFACTURED HOUSING GUIDELINES

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF KENDALL

WHEREAS, the property encumbered by these Manufactured Housing Guidelines (the "Guidelines") is that property covered by the Restrictions, Reservations and Covenants, and applicable Amendments legally described as: Mountain Creek Section, platted at Volume 1, Pages 77-81, Map and Plat Records of Kendall County, Texas; River Forest Section, platted at Volume 1, Pages 82-87, Map and Plat Records of Kendall County, Texas; and, Hidden Lake Section, platted at Volume 1, Pages 100-115, Map and Plat Records of Kendall County, Texas, hereinafter collectively referred to as "The Crossing"; and,

WHEREAS, The Crossing has been subjected to certain restrictive covenants, being:

Restrictions, Reservations, Covenants for The Crossing, Hidden Lake Section, executed on February 9, 1978, recorded in Document #24864, Official Public Records of Real Property of Kendall County, Texas

Restrictions, Reservations, Covenants for The Crossing, River Forest Section and Mountain Creek Section, executed on May 6, 1976, recorded in Document #20012, Official Public Records of Real Property of Kendall County, Texas, as amended by the Amendment to The Crossings Restrictions, Reservations, and Covenants, executed on November 5, 1976, recorded in Document #21435, Official Public Records of Real Property of Kendall County, Texas, as further amended by the Amendment to Restrictions, Reservations, Covenants and Assessments for The Crossing, executed on June 27, 1978, recorded in Document #26054, Official Public Records of Real Property of Kendall County, Texas

(hereinafter referred to as the "RR&Cs") as same have been or may be amended from time to time and made subject to the authority of The Crossing at Kenberg Property Owners Association hereinafter referred to as the "POA"; and

WHEREAS, the Architectural Review Committee (ARC) of the Association is vested with the authority, as assignee and nominee of the Seller (as defined in the RR&Cs), to approve requests for permission to erect, construct or move buildings or structures onto tracts within The Crossing; and

WHEREAS, the Architectural Review Committee has determined that it is in the best interest of the Association to publish standards to provide guidance, predictability and objective rules for consideration of requests for permission to erect, construct or move buildings or structures onto tracts within The Crossing, subject to the right of the ARC to amend, modify, and waive such standards, as it may in its sole and absolute discretion deem fit;

NOW, THEREFORE, BE IT RESOLVED, that the Association does hereby adopt these Guidelines, which shall run with the land and be binding on all owners and lots within The Crossing.
CLARIFICATION OF THE CONSTRUCTION GUIDELINES DEFINED IN THE RESERVATIONS, RESTRICTIONS AND COVENANTS (RR&Cs) OF THE ASSOCIATION

Paragraph 3 of the RR&Cs defines the requirements for home construction. Included in those requirements are the following restrictions:

"... no structures or house trailers of any kind may be moved onto the property. Prefabricated homes constructed of new material will be permitted provided they comply with all other restrictions." (emphasis added).

A. The ARC interprets the term “house trailers of any kind” to include any and all derivatives of such structures, including “manufactured homes”, “industrialized housing”, and any similarly constructed housing structures. All of these are prohibited by the RR&Cs.

B. The ARC interprets the term “prefabricated home” to be a modular-type structure of which the major sections such as walls, floors, roofs, etc. are constructed off-site and then transported to the project site where the various components/sections are then assembled on a permanent foundation into a complete structure. The resulting completed home would be considered equal to a traditional site-built pier and beam or slab-on-grade home. The term “prefabricated” as defined here shall not be construed to include those types of structures listed under the term “house trailers”.

C. These Guidelines replace any previous recorded or implemented guidelines that address the subjects contained herein.

CERTIFICATION

I hereby certify that, as Chairman of the Architectural Review Committee of The Crossing at Kenberg Property Owners Association, the foregoing Manufactured Housing Guideline was approved on the 20th day of May, 2014, by majority vote of the members of the Architectural Review Committee, at a duly called meeting.

DATED, this 20th day of May, 2014.

THE CROSSING AT KENBERG PROPERTY OWNERS ASSOCIATION

James A. Nester,
Chairman

STATE OF TEXAS

COUNTY OF KENDALL

BEFORE ME, on this day personally appeared James Nester, the Chairman of The Crossing of Kenberg Property Owners Association Architectural Review Committee, known by me to be the person whose name is
subscribed to this Instrument, and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 28th day of May, 2014.

Cheryl A. McDonald
Notary Public – State of Texas

After Recording, Return To:
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