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**CERTIFICATE
FOR
RECORDATION OF DEDICATORY INSTRUMENT
OF
AVALON/MCKINNEY RESIDENTIAL ASSOCIATION, INC.**

STATE OF TEXAS

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF DALLAS

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WHEREAS, Section 202.006 of the Texas Property Code requires that "A property owners' association shall file its dedicatory instruments in the real property records of each county in which the property to which the dedicatory instrument relates is located."; and

WHEREAS, Avalon/McKinney Residential Association, Inc., a Texas nonprofit corporation (the "Association") desires to comply with Section 202.006 by filing of record in the real property records of Collin County, Texas, the attached instrument; and

WHEREAS, the attached instruments constitutes "dedicatory instruments" as defined by Section 202.001 of the Texas Property Code, and

WHEREAS, the *Declaration of Covenants, Conditions and Restrictions for Enclave Avalon, McKinney, Texas* (the "Declaration") was recorded on December 5, 2001 as Instrument No. 20011205001554720 of the Real Property Records of Collin County, Texas, subjected to the scheme of development therein certain land located in Collin County, Texas;

NOW, THEREFORE, the undersigned authorized representative of the Association hereby executes this Certificate to affect the recording of the dedicatory instrument attached hereto on behalf of the Association.

[Signature page follows.]

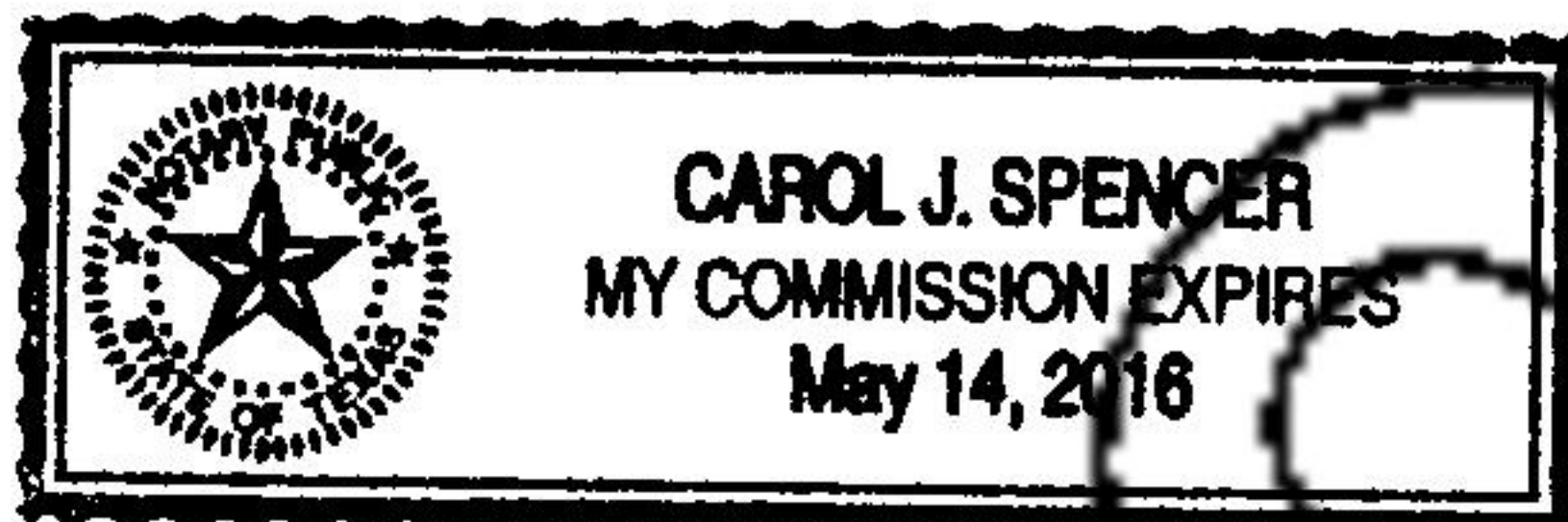
EXECUTED this 18th day of October, 2013.

AVALON/MCKINNEY RESIDENTIAL ASSOCIATION, INC.
a Texas non-profit corporation

By: Charles W. Spencer
Charles W. Spencer,
Authorized Representative

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 18th day of October, 2013, by Charles W. Spencer, authorized representative of AVALON/MCKINNEY RESIDENTIAL ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



Carol J. Spencer
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Charles W. Spencer & Associates
P.O. Box 835827
Richardson, Texas 75083

AVALON/MCKINNEY RESIDENTIAL ASSOCIATION, INC.
3102 Oak Lawn Avenue, Suite 202
Dallas, Texas 75219

RESOLUTION

WHEREAS, The Architectural Control Committee promulgated Architectural Guidelines for Avalon on February 1, 2010, filed and recorded with the Collin County Clerks Office on February 24, 2010, and;

WHEREAS, Article X, Section 10.02 of the Declaration of Covenants, Conditions, and Restrictions states, "The Committee may, from time to time, publish and promulgate architectural standards, bulletins, and/or design guidelines which shall be fair, reasonable, and uniformly applied and shall carry forward the spirit of the intention of this declaration. Such bulletins and guidelines shall supplement these covenants and restrictions and are incorporated herein by reference. The Committee shall have the authority to make final decision in interpreting the general intent, effect, and purpose of the covenants and restrictions." and,

WHEREAS, The Committee wished to provide further guidance to all homeowners related to the storage of trash receptacles upon each lot,

THEREFORE, it is **RESOVED** that the heading Garbage and all sub-points related to Garbage in the Architectural Guidelines of February 2010, be repealed in their entirety and replaced with the following language:

Garbage

- Trash and recycle receptacles shall be placed out to the street or alley no sooner than 7:00pm on the night before trash pickup.
- Storage of trash receptacles at all times other than when placed out to the street or alley on the day of collection shall be as follows:
 - Homes with front entry driveways (no alley behind home) shall keep all trash receptacles stored out of view. Storage of trash receptacles in the driveway is not permissible at any time.
 - Homes with rear entry driveways (via alleyways) shall keep all trash receptacles stored at least 6 feet from the alleyway, so that as you look down the alleyway, no trash receptacles are visible.
- Permanent trash and recycle receptacle holders must be approved by the ACC.



Greg Kuhn, President

from _____
Date

10/11/13

**AMENDMENT TO BYLAWS
OF
AVALON/MCKINNEY RESIDENTIAL
ASSOCIATION, INC.
[Quorum]**

**STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF COLLIN §**

This AMENDMENT TO THE BYLAWS OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR AVALON/MCKINNEY (“Amendment”) is made as of the date written in the signature block below to be effective upon recording in the Real Property Records of Collin County, Texas;

WITNESSETH:

WHEREAS, a Declaration of Covenants, Conditions, and Restrictions, for Avalon/McKinney dated December 3, 2001, was recorded December 5, 2001, as Document No. 2001-0155472, in the Real Property Records of Collin County, Texas, and re-recorded in the Real Property Records of Collin County, Texas, as Document No. 2002-0044003 (the “Declaration”); and

WHEREAS, the Declaration was supplemented to add property by that certain First Supplementary Declaration of Covenants, Conditions, and Restrictions, for Avalon, McKinney (Phase Two) dated December 6, 2002 and recorded January 30, 2003 as Document No. 2003-0018669, in Volume 5346, Page 003765 *et seq.* of the Real Property Records of Collin County, Texas; and

WHEREAS, Avalon/McKinney Residential Association, Inc. (“Association”) was formed as a Texas nonprofit corporation to administer and enforce the covenants in the Declaration, and Bylaws of Avalon/McKinney Residential Association, Inc. (“Bylaws”) were promulgated and recorded to govern the Association; and

WHEREAS, Article XV of the Bylaws of the Association states that “These Bylaws or the Articles of Incorporation may be amended at a regular or special meeting of the Members by a vote (in person or by proxy) or written consent, regardless of class, as provided in Section 4.06 of these Bylaws; provided, however, until such time as the Class B Membership shall have ceased and been converted to Class A Membership, the Association shall not amend these Bylaws or the Articles of Incorporation, without the prior written approval of the Class B Member”, and

WHEREAS, the requisite consent has been obtained to approve and adopt this amendment on the 26th day of March, 2013; and is on file in the corporate records of the Association for the amendment of the Bylaws as hereafter stated and the Class B Membership has ceased;

NOW, THEREFORE, the Bylaws are hereby amended as follows:

Section 4.06(b) of the Bylaws which currently reads:

“The presence, in person or by proxy, of Members entitled to cast, or of proxies entitled to cast, at least thirty-five percent (35%) of the votes of all Members of the Association, regardless of class, shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration or these Bylaws. If the quorum is not present or represented at the meeting, one additional meeting may be called, subject to the notice requirements set forth below, and the required quorum at such second meeting shall be one-half (1/2) of the required quorum at the preceding meeting; provided, that no such second meeting shall be held more than sixty (60) days following the first meeting.”

is hereby changed to read as follows:

“The presence, in person or by proxy, of Members entitled to cast, or of proxies entitled to cast, at least thirty-five percent (35%) of the votes of all Members of the Association, regardless of class, shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration or these Bylaws. If the quorum is not present or represented at the meeting, then [i] an additional meeting may be called and the required quorum at such second meeting shall be one-half (1/2) of the required quorum at the first meeting; and [ii] if the quorum required for the second meeting is not met then a third meeting may be called and the required quorum at such third meeting shall be one-half (1/2) of the required quorum at the second meeting; and [iii] if the quorum required for the third meeting is not met then a fourth meeting may be called and the required quorum at such fourth meeting shall be one-half (1/2) of the required quorum at the third meeting. It is required, however, that [i] notice required by Section 4.06(c) be given for each such meeting necessary to achieve a quorum; and [ii] the last meeting to be called be held not more than sixty (60) days following the scheduled date of the first meeting.”

IN WITNESS WHEREOF, this Amendment to the Bylaws of Covenants, Conditions, and Restrictions, for Avalon/McKinney is hereby executed by its duly authorized officer or agent this 17 day of September, 2013 to evidence the requisite approval of Members as stated above.

AVALON/MCKINNEY RESIDENTIAL ASSOCIATION, INC.
a Texas non-profit corporation

By: 

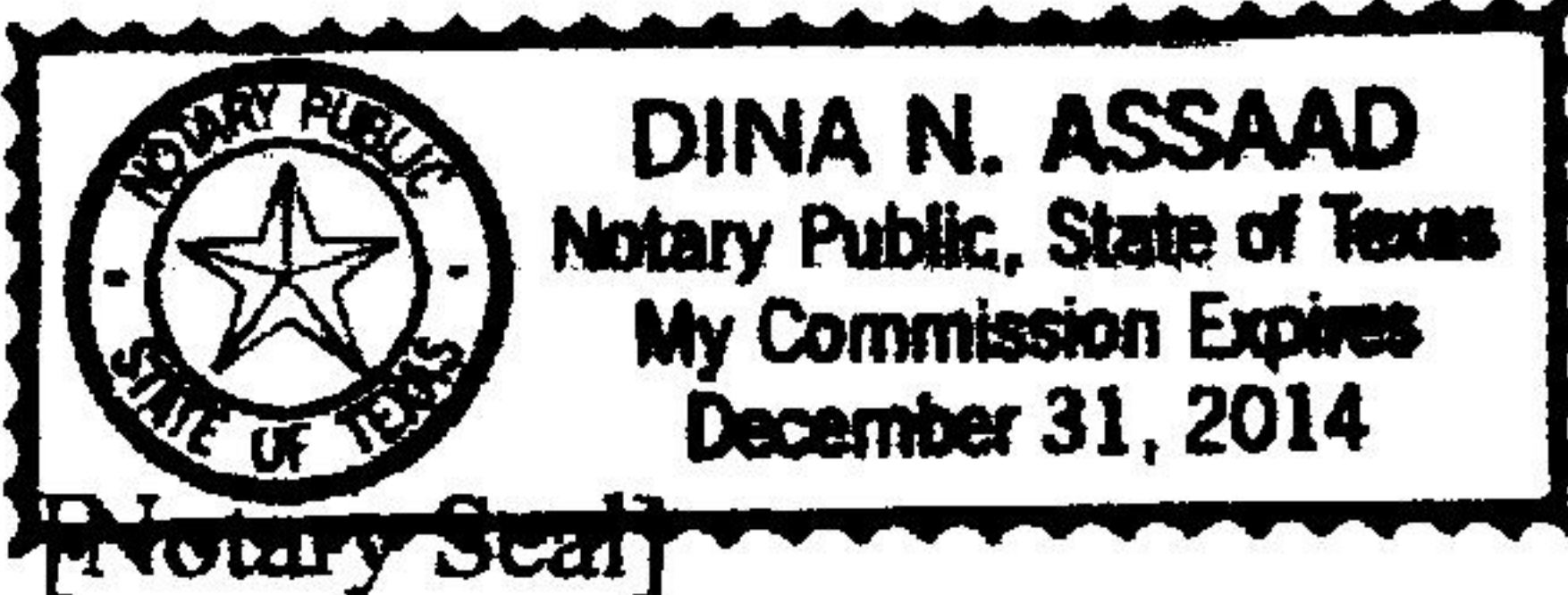
Name: Greg Kuhn

Title: President

ACKNOWLEDGMENT

STATE OF TEXAS §
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COUNTY OF Tarrant §

This instrument was acknowledged before me on the 17th day of September, 2013, by Mr. Gregory Kuhn, the President of Avalon/McKinney Residential Association, Inc, a Texas nonprofit corporation, on behalf of said corporation.




Notary Public, State of Texas

UNOFFICIAL

AVALON / MCKINNEY RESIDENTIAL ASSOCIATION, INC
2711 N. HASKELL, SUITE 2650 DALLAS, TEXAS 75204
TEL: 214 871 9700 FAX: 214 871 0355

Avalon McKinney Promulgated Enforcement of Fines

The Board of Directors for Avalon McKinney Residential Association resolves to impose fines of \$150 per month on all D C C & R's violations that are not cured within the state mandated notification time.

Per the bylaws Article VIII Section 8.01 Power and Duties. (a) When the Board deems necessary it may take such action to enforce the terms and provisions of the Declaration. The promulgation and enforcement of the Association rules which may include the establishment of a system of fines and/or penalties enforceable as special individual assessments as provided in the Declaration.

Article V Section 5.01 of the D C C & R's (3) individual assessments levied against one or more Owners for those items specified in Section 5.05 hereof, all of such assessments to be fixed, established and collected from time to time hereinafter provided. (b) The Board of Directors may levy special individual capital assessments against one or more Owners for (ii) payment of fines, penalties or other charges imposed against an Owner or Owners relative to such Owner's failure to comply with the terms and provisions of this Declaration.

This is to begin March 1, 2008 as resolved by the Board of Directors on December 13th, 2007

**AVALON
HOMEOWNERS ASSOCIATION, INC.
2711 North Haskell, Ste. 2650
Dallas, Texas 75204**

RESOLUTION

The Board of Directors for Avalon of McKinney Homeowners Association, Inc. resolves to adopt the attached Fine Enforcement Matrix.

EXECUTED as this 34th day of December, 2007.

David Forsyth

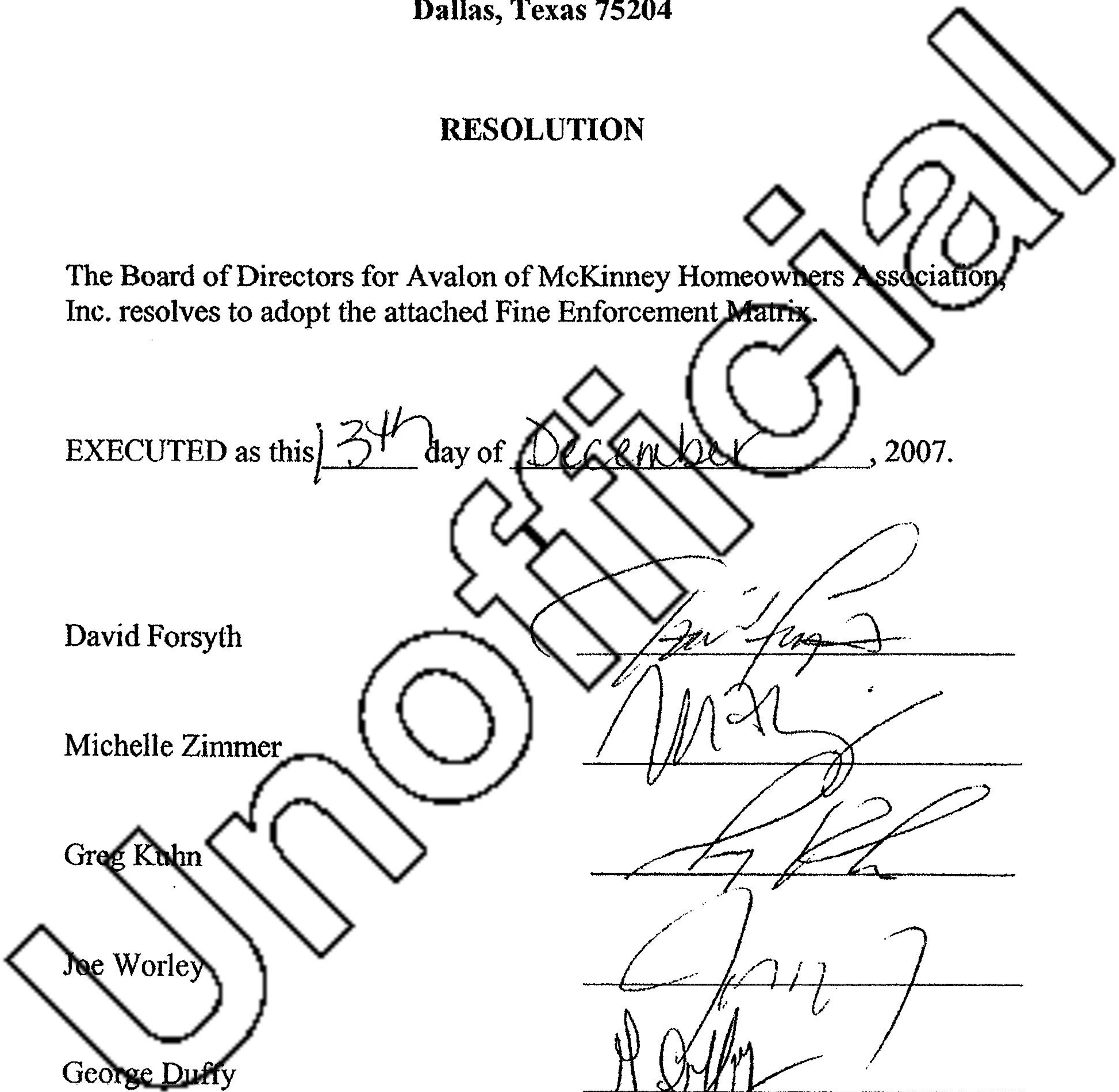
Michelle Zimmer

Greg Kuhn

Joe Worley

George Duffy

[Handwritten signatures of David Forsyth, Michelle Zimmer, Greg Kuhn, Joe Worley, and George Duffy]



**AVALON/MCKINNEY RESIDENTIAL ASSOCIATION, INC.
GUIDELINES FOR DISPLAY OF FLAGS**

STATE OF TEXAS

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KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF COLLIN

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WHEREAS the Avalon/McKinney Residential Association, Inc. ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS chapter 202 of the Texas Property Code was amended effective June 17, 2011, to add Section 202.011 ("Section 202.011") thereto regarding the display of flags; and

WHEREAS, the Board of Directors ("Board") of the Association has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of flags therein, it is appropriate for the Association to adopt guidelines regarding the display of flags.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Flags* within the community.

1. These Guidelines apply to the display of ("Permitted Flags"):
 - 1.1. the flag of the United States; and
 - 1.2. the flag of the State of Texas; and
 - 1.3. the official flag of any branch of the United States armed forces.
2. These Guidelines do not apply to any flags other than the Permitted Flags listed in section 1 above including, but not limited to:
 - 2.1. flags for schools, sports teams, businesses or foreign countries; or
 - 2.2. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
 - 2.3. historical versions of the flags permitted in section 1 above.
3. Permitted Flags may be displayed subject to these guidelines. Advance approval of the Architectural Control Committee ("ACC") is required for any free-standing flagpole associated with the display of Permitted Flags.
4. Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.
5. Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.
6. Permitted Flags may be up to three foot (3') by five foot (5') in size.

7. Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14') tall and up to twenty feet (20') tall.
8. Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.
9. A flagpole attached to a structure may be up to six feet (6') long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.
10. Free-standing flagpoles may be up to twenty feet (20') tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer's instructions. One free-standing flagpole is allowed in the portion of the property between the main residential structure and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.
11. Free-standing flagpoles may not be installed in any location described below:
 - 11.1. in any location other than the Owner's property, or
 - 11.2. within a ground utility easement or encroaching into an aerial easement; or
 - 11.3. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
 - 11.4. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
 - 11.5. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).
12. Lighting may be installed to illuminate Permitted Flags if they are going to be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:
 - 12.1. be ground mounted in the vicinity of the flag; and
 - 12.2. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
 - 12.3. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
 - 12.4. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.
13. Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.

14. Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.
15. All flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

The guidelines are effective upon recordation in the Public Records of Collin County, and supersede any guidelines for display of flags which may have previously been in effect. Except as affected by Section 202.007(d) and/or by these guidelines, all other provisions contained in the Declarations of any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 17 day of Sept. 2013.

Name: Greg Whana

Title: President

Date: Sept. 17, 2013


COLLIN COUNTY
CLERK OF COUNTY RECORDS

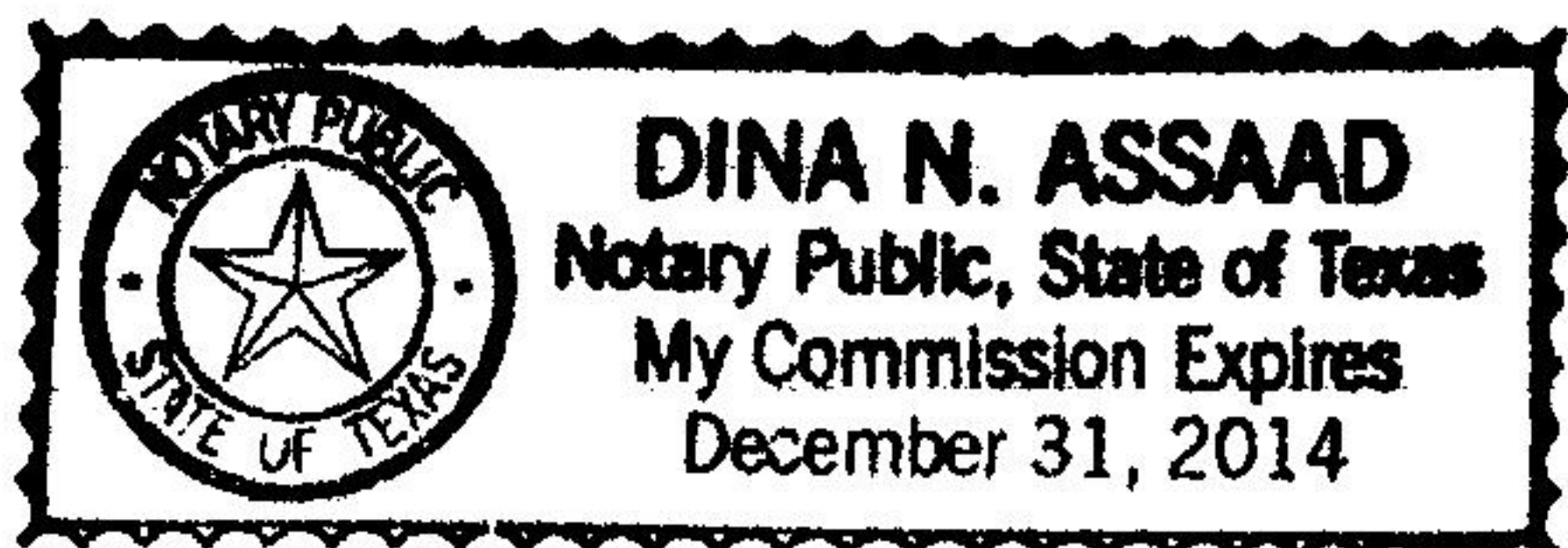
UNOFFICIAL

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

Before me, the undersigned authority, on this day personally appeared Mrs Gregory Kuhn, President, of Avalon/McKinney Residential Association, Inc., a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 17th day of September 2013.

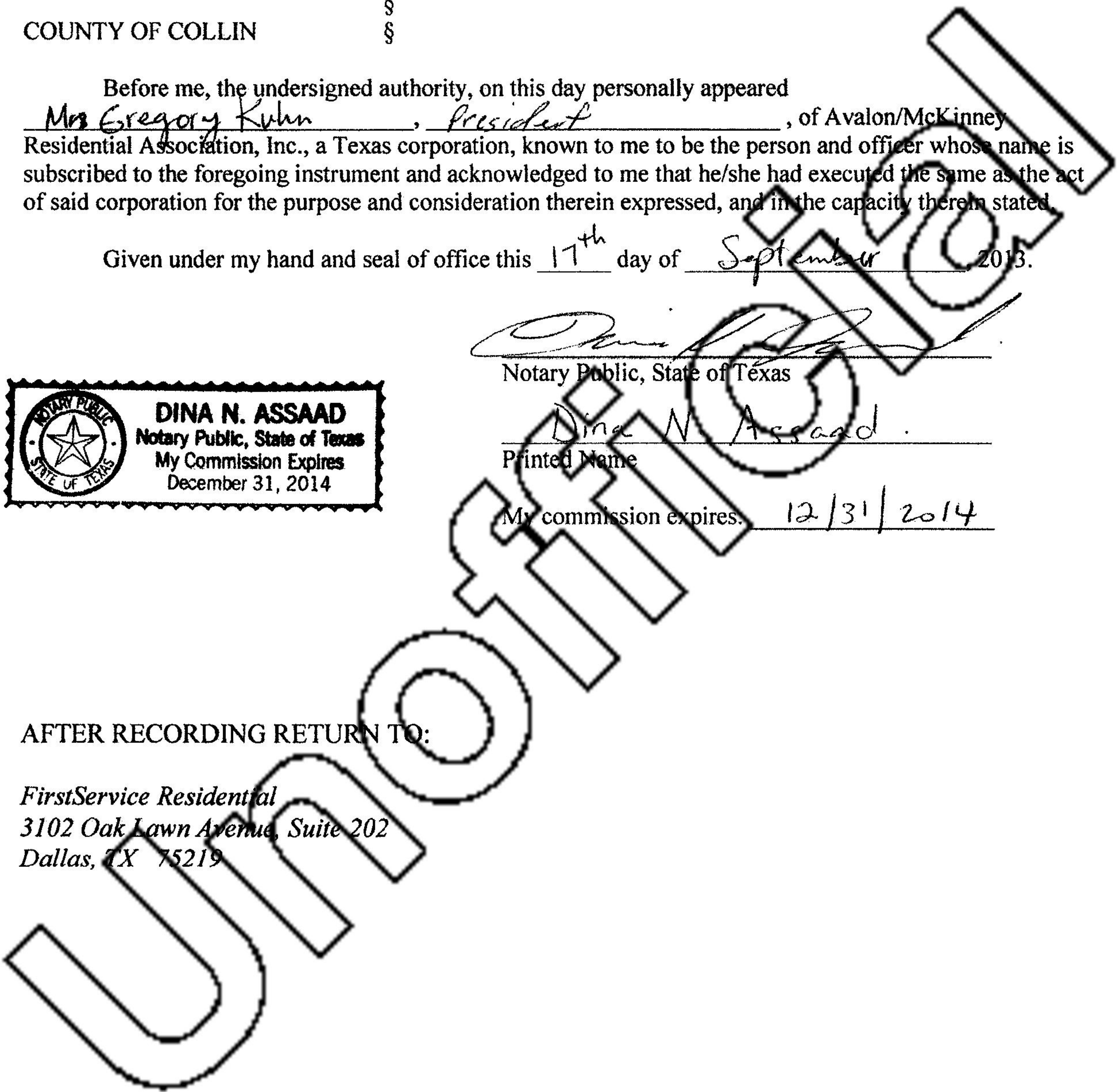

Notary Public, State of Texas



Dina N. Assaad
Printed Name
My commission expires 12/31/2014

AFTER RECORDING RETURN TO:

FirstService Residential
3102 Oak Lawn Avenue, Suite 202
Dallas, TX 75219



Unofficial

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
10/24/2013 03:28:37 PM
\$64.00 BHALIBURTON
20131024001460080



Stacey Kemp