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Hays County Texas
Liz Q. Gonzalez
County Clerk

Document Number: 2013-13011802
Recorded As : ELECTRONIC RECORDING

Recorded On: April 11, 2013
Recorded At: 09:14:32 am
Number of Pages: 9
Book-VI/Pg: Bk-OPR VI-4606 Pg-140
Recording Fee: \$44.00

Parties:

Direct- POST OAK ONE HOMEOWNERS ASSO
Indirect-

Receipt Number: 333363
Processed By: Olga Martinez

***** THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.



I hereby certify that this instrument was filed for record in my office on the date and
time stamped hereon and was recorded on the volume and page of the named records
of Hays County, Texas

Liz Q. Gonzalez

Liz Q. Gonzalez, County Clerk

STATE OF TEXAS §

COUNTY OF HAYS §

**AMENDMENT OF RULES AND REGULATIONS
FOR
POST OAK ONE HOMEOWNERS ASSOCIATION, INC.**

Document reference. Reference is hereby made to that certain Declaration of Covenants, Conditions and Restrictions for Post Oak, Phase One, filed as Document No. 03031641 in the Official Public Records of Hays County, Texas (together with all amendments and supplemental documents thereto, the "Declaration").

Reference is further made to that certain Bylaws of Post Oak One Homeowners Association, Inc., filed as Document No. 12028522 in the Official Public Records of Hays County, Texas (together with all amendments and supplemental documents thereto, the "Bylaws").

Reference is further made to that certain Rules and Regulations for Post Oak One Homeowners Association, Inc., filed as Document No. 12001429 in the Official Public Record of Hays County, Texas (together with all amendments and supplemental documents thereto, the "Rules").

WHEREAS the Declaration provides that persons owning lots subject to the Declaration are automatically made members of Post Oak One Homeowners Association, Inc. (the "Association");

WHEREAS the Association, acting through its board of directors (the "Board"), is authorized to adopt rules and regulations governing the Association and its members pursuant to Article VII, Section 1(a) of the Bylaws, and has previously adopted Rules; and

WHEREAS the board of directors (the "Board") of the Association has voted to supplement the previously-adopted Rules by adopting the Pool Rules attached hereto as Exhibit "A";

THEREFORE the attached Pool Rules are ADOPTED and APPROVED.

POST OAK ONE HOMEOWNERS ASSOCIATION, INC.

By: Niemann & Heyer, L.L.P., its attorney and authorized agent

(Niemann & Heyer did not prepare these rules but hereby files them of record as agent of the Association in compliance with Section 202.006 of the Texas Property Code.)

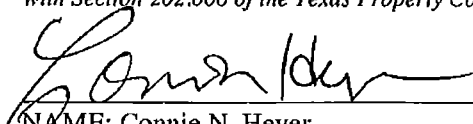

NAME: Connie N. Heyer
DATE: 4-8-13

Exhibit "A": Pool Rules

[notary block on following page]

Acknowledgement

STATE OF TEXAS §

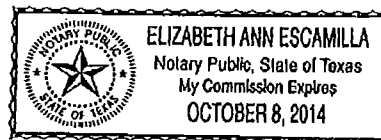
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 8 day of April, 2013, by Connie N. Heyer in the capacity stated above.

Elizabeth A. Escamilla
Notary Public, State of Texas

After recording, please return to:

Niemann & Heyer, L.L.P.
Attorneys At Law
Westgate Building, Suite 313
1122 Colorado Street
Austin, Texas 78701



Fileserver:CLIENTS:Post Oak One HOA:RuleAmendPoolRulesEF3-20-13.doc

POST OAK POOL RULES

271 Stennis
Kyle, Texas 78640

Emergency Phone located next to the restrooms

WARNING: NO LIFEGUARD ON DUTY, SWIM AT YOUR OWN RISK

The gates are to remain locked at all times. The pool can be accessed with a pool card and under no circumstances should the gates be propped open. **DO NOT OPEN THE POOL GATE FOR ANYONE OTHER THAN YOUR FAMILY OR YOUR GUESTS.** The fence and gate that surround the pool area are for resident protection.

PLEASE NOTE: cards will **ONLY** be distributed to members in good standing with the Association. To be in good standing, you must:

- 1) Be current on homeowner assessments as outlined in the Collections Procedures approved by the Board of Directors;**
- 2) You must have a current card waiver form on file with RealManage;**
- 3) You may have no unresolved Deed Restriction Violation fines.**

Lost cards will be replaced for a fee of \$40.

IDENTIFICATION

- Swimmers must have a pool card with them to enter pool area. The pool is for the use of Post Oak One Homeowners Association, Inc. members and their invited guest(s)/appointed guardian(s) only. It is recommended that you write your name on your card so it does not get confused with others at the pool.
- Parents must provide authorization naming a specific guardian to attend to their children 17 years of age and under while at the pool. An authorized guardian must be 18 years of age or older.

COMMUNITY REQUIREMENTS & CONDUCT

1. Children age 16 and under must be accompanied by an adult age 18 or older that is a Post Oak One Homeowners Association, Inc. member or an authorized guardian.
2. **The gates are to remain locked at all times. The pool can be accessed with a pool card and under no circumstances should the gates be propped open. The fence and gate that surround the pool area are for resident protection.**

UNDER NO CIRCUMSTANCES WILL ALCOHOL, TOBACCO, FIREARMS, DRUGS OR GRILLS BE PERMITTED IN ANY AMENITY CENTER FACILITIES OR SURROUNDING AREAS. ANYONE SEEN ENGAGING IN THE USE WILL BE SUBJECT TO LOSS OF PRIVILEGES FOR A PERIOD OF TIME TO BE DETERMINED BY THE ASSOCIATION BOARD, AND OTHER LEGAL ACTIONS MAY BE TAKEN IN CONJUNCTION WITH THE LOCAL LAW ENFORCEMENT AGENCY.

GENERAL REQUIREMENTS & CONDUCT

Any individual(s) who are reported to be/or found to be in violation of any of these following pool rules will be reported to the Post Oak One Homeowners Association, Inc. Board and possibly the local law enforcement agency (as applicable). The nature of the situation will be considered and action(s) toward resolution will be at the Board's discretion.

3. USE OF ANY EQUIPMENT PROVIDED IN THE AMENITY CENTER FACILITIES IS AT YOUR DISCRETION. PLEASE USE CAUTION. SWIM AT YOUR OWN RISK
4. When lifeguards or monitors are on duty, they are the authority at all times. No person shall distract a lifeguard or monitor who is on the lifeguard stand **except in cases of an emergency**. Only lifeguards or monitors are allowed on the lifeguard stand.
5. Children under age 12 must demonstrate the ability to swim the length of the pool in order to be allowed in the water without an adult at hand. A parent must supervise all children age 16 and under listed on the pool waiver form for their household.
6. Parents must check swim diapers AT LEAST 3 times per hour. **Children under the age of 3 are not allowed in the pools without a swim diaper**. Disposable diapers are not allowed, swimsuits are required.
7. The baby pool is reserved for children ages five (5) and under. Adult supervision is required at all times for children in the baby pool.
8. Proper swim attire is required. No "cut-offs" are allowed. Please respect all cultural differences with family friendly attire. Cover-ups are only allowed over proper swim attire.
9. Conduct by any person deemed to be dangerous, unreasonable, or offensive (including "horseplay") is not allowed and should be reported to RealManage at (512) 219-1927 OR 1-866-4-RealService (1-866-473-2573). Any individual disciplined repeatedly, or for serious infractions, will lose all pool privileges for the rest of the season.
10. Running, hopping, skipping or speed walking within the pool area is prohibited.
11. Under no circumstances shall grills, pets, bicycles, skateboards, scooters or motorized cycles be permitted within the fenced pool area. Roller-skates and/or Rollerblades may be carried into the pool area and stored with personal belongings but may not be worn within the fenced pool area.
12. Diving from the side of the pool is not permitted.
13. Climbing or sliding on any hand railing is not permitted.
14. Playing with lifesaving equipment is not permitted. The use of the lifesaving ring, life hook or any other safety equipment is for emergency use only. Do **NOT** play with these items.
15. No glass containers of any type are allowed in the pool area.
16. Food shall only be consumed in areas at least six feet away from the pool. No chewing gum is allowed within the pool area.

17. All trash generated by anyone in the fenced pool area must be placed in garbage containers or otherwise properly disposed of.
18. Swimmers are encouraged to shower before entering the pool. While we encourage protection from the harmful rays of the sun, the use of oils and other heavy suntan lotions cause filter damage, use these lotions sparingly.
19. Persons with open sores, wounds and bandages or communicable diseases are encouraged to refrain from swimming in the pool. DO NOT USE THE POOL IF YOU OR YOUR CHILD HAS HAD DIARRHEA IN THE PREVIOUS TWO WEEKS. **IF A FECAL ACCIDENT OCCURS: All swimmers must exit the pool immediately, and the pool will be closed for a minimum of two (2) hours** from the time the pool has been chemically treated. The pool will be cleaned, disinfected and tested, and proven to be free from contamination before the pool will be reopened. If your child is found to be responsible for a closure due to fecal matter, all costs to clean and reopen the pool may be assigned to your family. Incidents should be reported to RealManage at (512) 219-1927 OR 1-866-4-RealService (1-866-473-2573), Immediately.
20. Floatation devices are permitted as long as there are less than 15 people in the pool. All air-inflatable crafts used must be a maximum 2-person carrier. Exceptions are arm-floaties and toddler carriers/life preservers.
21. Any items lost will be your responsibility. If the loss or find is of great value, please contact RealManage at (512) 219-1927 OR 1-866-4-RealService (1-866-473-2573).
22. Swim safely and treat others, as you would like to be treated. Do not throw items when others are nearby. Parents are responsible for the behavior of their children.
23. Swimmers in the water have the right of way. Those entering the water must make certain that the area that they are entering is free of other swimmers.
24. In the event of inclement weather, swimmers are to clear the pool during the storm and for at least thirty (30) minutes after lightning and/or thunder has ceased. Patrons are welcome to stay in the pool area during this time, but are cautioned to stay a safe distance from the water.

LOSS OF POOL PRIVILEGES

Again, PLEASE NOTE: cards will ONLY be distributed to residents in good standing with the Association. To be in good standing, you must:

- **Be current on homeowner assessments as outlined in the Collections Procedures approved by the Board of Directors;**
- **You must have a current card waiver form on file with RealManage;**
- **You may have no unresolved Deed Restriction Violation fines.**

Any individual(s) using the pool after hours (see pool rules), could lose all pool privileges for the season. The Board will consider individual events.

Any individual(s) committing acts of vandalism to the pool, pool house, equipment and/or surrounding area will lose all pool privileges for a period of time to be determined by the Association Board, and be held responsible for cleaning and/or repair of damaged items. In the event the individual(s) are juveniles, the parents shall assume full responsibility for their child's actions. The Board will consider individual events.

MISCELLANEOUS

Guest Policies

A Post Oak One Homeowners Association, Inc. member must accompany a guest. Guests are limited to four per family. If you need to entertain more than four guests, please call RealManage at (512) 219-1927 OR 1-866-4-RealService (1-866-473-2573) to make arrangements. Members are allowed to authorize a guardian for their needs as applicable. (baby-sitters, relatives, family friends and neighbors are allowable.) Parents must provide authorization naming a specific guardian to attend to their children 17 years of age and under while at the pool. Authorized guardians must be 18 years of age or older. Individuals who may have been involved in misconduct or vandalism to the pool area who are found on the premises may be asked to leave immediately regardless of guest status if the Board has given previous approval of such action. Individual(s) who are on the premises without permission or who are under the appointed age should be/can be asked to leave by any Post Oak One Homeowners Association, Inc. member or authorized guardian who is an adult and on the premises. If the Individual(s) will not leave please contact the police from the pay phone located at the pool, then contact RealManage.

Restrooms

The restroom fixtures are sanitized and cleaned by a private janitorial service on a weekly basis. The designated maintenance person(s) are responsible for cleaning mirrors, counters, stocking hand towels, emptying trash and hosing down the floors. But please be mindful of the other Association members by cleaning up after yourself when using the restrooms.

Emergency Phone

This phone has the capability of connecting to emergency services by dialing **911**.

Pool cards

Pool cards will be issued to adults (age 18 years and older), only after an Acknowledgment & Waiver form is signed. A total of one (1) pool card will initially be issued per household. If your card is lost or stolen, you will be provided with a second replacement card AT A COST OF \$40.00 TO YOU. To obtain cards, please sign (execute) a current Acknowledgment & Waiver form and send it to RealManage. Upon receipt of the signed card waiver, and pending assessment evaluation that the residence is in good standing, the card will then be mailed. By signing the Acknowledgment and Waiver Form, members are agreeing not to distribute cards to anyone outside their immediate family.

Pool Parties

Please contact the management company, RealManage, to schedule your party at (512) 219-1927 OR 1-866-4-RealService (1-866-473-2573). All pool parties must be scheduled through RealManage so that parties are not double-booked and all necessary paperwork can be completed. Informal/Non Private parties at the pool may be held Monday, Tuesday, Thursday or Friday between the hours of 11:00 a.m. and 6:00 p.m. (holidays excluded). **There shall be not more than fifteen (15) guests per party and parties are limited to no longer than two and one-half hours.** Informal meaning, you may not turn away other member and their guests, so long as they meet the "guest policy", from entering the pool area during a scheduled party. Parties may only be scheduled by a Post Oak One Homeowners Association, Inc. member over the age of eighteen (18). The party must be scheduled at least two weeks in advance. There must be a one to three adult to child ratio for children ages three (3) and under; a one (1) to five (5) adult to child ratio for children ages seven (7) to twelve (12). In all events, one adult, age 18 or older must be present at all times. The sponsoring member will be responsible for any damages caused by party patrons and a Recreational Use Agreement may be requested at the discretion of the Board, RealManage or Pool Committee member(s).

ADDITIONAL RULES WHICH MAY BE POSTED AT SWIMMING POOL WILL ALSO APPLY

POST OAK POOL HOURS

- **WARNING: SWIM AT YOUR OWN RISK – No Lifeguard on Duty!**
- **The pool may be CLOSED Mondays for cleaning, Tuesdays following a Holiday weekend.**

Schedule of operation

Open Swimming (Adult supervision required – access with pool card)			
Memorial Day – Labor Day (weather permitting)	Tuesday- Thursday 6AM-9PM Friday- Sunday 6AM-10PM Adult Swim: Tuesday / Thursday 8PM-9PM & Saturday 9AM-10AM	Open to members, their families and accompanied guests	The pool may be CLOSED on Monday for maintenance and chemical treatment.

Annual Pool Opening Dates are determined by your Board of Directors.

Post Oak Pool Rules Enforcement Policy

Authority to invoke suspensions to fit violations of the rules has been delegated to the Pool Monitor on duty by the Post Oak Board of Directors. Anyone who does not agree with suspensions Invoked by the monltor may appeal to the Board of Directors. The Board of Directors may suspend all rights and privileges of any homeowner.

Enforcement of rules:

- First offense- rule is explained and warning issued
- Second offense- rule is explained and 1 hour "time out" enforced
- Third offense- person must leave for the day

Pool monitor may eject persons from pool area for cause. In serious cases of misconduct, the City of Kyle Police should be called. In cases involving minor children, the parents will be informed.

No abusive or objectionable language will be tolerated on pool grounds. Any verbally abusive, threatening or dangerous behavior will result in loss of pool privileges. Entry card will be deactivate without further warning. If the infraction is serious enough, swimming rights may be terminated for the remainder of the year.

After recording, please return to:

Niemann & Heyer, L.L.P.
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Westgate Building, Suite 313
1122 Colorado Street
Austin, Texas 78701

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