

**AFFIDAVIT IN COMPLIANCE WITH § 202.006**  
**OF THE TEXAS PROPERTY CODE**

**THE STATE OF TEXAS**                   §  
   §  
**COUNTY OF BEXAR**                   §

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

“My name is RODNEY HERRERA. I am fully competent to make this Affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

Diamond Association Management is the Managing Agent of 281 East Homeowners Association, also known as Mountain Lodge Homeowners Association (the “Association”). Diamond Association Management is the 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 *TEX. PROP. CODE* § 202.001. The Association’s jurisdiction includes, but may not be limited to, the property in Bexar County, Texas subject to:

That certain subdivision known as Mountain Lodge, being the property identified and referenced in that Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 8202, Page 524; as amended and supplemented by that Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge, San Antonio, Texas, recorded in Volume 8202, Page 516 of the Official Public Records of Real Property of Bexar County, Texas; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 2 and 2A, San Antonio, Texas, recorded in Volume 8616, Page 1454; First Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 2 and 2A, San Antonio, Texas, recorded in Volume 9106, Page 1322; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 7, San Antonio, Texas (Fairway Bridge), recorded in Volume 9303, Page 2350; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit-3A1, San Antonio, Texas, recorded in Volume 10150, Page 793; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit-5A1, San Antonio, Texas, recorded in Volume 10159, Page 1571; First Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 5A1, San Antonio, Texas, recorded in Volume 10221, Page 2019; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit-5A-2, San Antonio, Texas, recorded in Volume 10583, Page 410; and Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 10774, Page 1422, all of the Official Public Records of Real Property of Bexar County, Texas; and that Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 6A-1, San Antonio, Texas, recorded in Volume 11032, Page 1586; First Amendment to Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 5A2, San Antonio, Texas, recorded in Volume 11065, Page 2074; Second Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 11189, Page 1411; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 6B-1, San Antonio, Texas, recorded in Volume 11189, Page 1523; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 6A-2 South, San Antonio, Texas, recorded in Volume 11707, Page 2401; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 6A-2 North, San Antonio,

Texas, recorded in Volume 11707, Page 2417; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 9, San Antonio, Texas, recorded in Volume 11805, Page 626; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Units 6B-2 and 6B-3, San Antonio, Texas, recorded in Volume 12209, Page 1308; Third Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas recorded in 12161, Page 1227, re-recorded in Volume 12399, Page 1928; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit-6A3 and 6A4, San Antonio, Texas, recorded in Volume 12830, Page 108; Fourth Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 14213, Page 40; Supplemental Declaration of Covenants, Conditions and Restrictions for Mountain Lodge Unit 8, San Antonio, Texas, recorded in Volume 14698, Page 2210; Amendment to Supplemental Declarations for Covenants, Conditions and Restrictions for Mountain Lodge, San Antonio, Texas, recorded in Volume 15620, Page 1714; and Fifth Amendment to Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 15967, Page 2130; all of the Official Public Records of Bexar County, Texas; and the By-Laws of the Association, recorded in Volume 10979, Page 800, of the Official Public Records of Real Property, Bexar County, Texas, as amended ("By-Laws").

Attached hereto is the original of, or true and correct copy of, the following dedicatory instrument(s), including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:

*281 East Homeowners Association  
Resolution Adopting:  
Collection and Payment Plan Policy, Board Hearing Policy, Religious Display Policy,  
Security Measures Policy, Swimming Poole Enclosures Policy, and  
Association Contracts and Solicitation of Bids Policy*

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:

Diamond Association Management  
14603 Huebner Road, Building 40  
San Antonio, Texas 78230  
(210) 561-0606 Office  
(210) 690-1125 Fax  
[resales@damctx.com](mailto:resales@damctx.com)

SIGNED on this the 31 day of August, 2021.



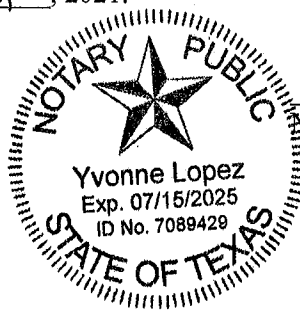
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Rodney Herrera  
Diamond Association Management  
Managing Agent

VERIFICATION

THE STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR           §

BEFORE ME, the undersigned authority, on this day personally appeared Rodney Herrera, of Diamond Association Management, the Managing Agent of 281 East Homeowners Association, who, after being duly sworn, acknowledged and stated under oath that he has read the above and foregoing Affidavit and that every factual statement contained therein is within his personal knowledge and is true and correct.

ACKNOWLEDGED, SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this the 31 day of August, 2021.



*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

After Recording, Return To:  
Michael B. Thurman  
Thurman & Phillips, P.C.  
4093 De Zavala Road  
Shavano Park, Texas 78249  
Phone: 210-341-2020

**281 EAST HOMEOWNERS ASSOCIATION  
SWIMMING POOL ENCLOSURES POLICY**

This Swimming Pool Enclosures Policy of 281 East Homeowners Association, also known as Mountain Lodge Homeowners Association (the "Association") was duly adopted on the 30 day of August, 2021, setting forth certain policies of the Association in connection with the management of the Association and the properties known as Mountain Lodge, subject to the Master Declaration of Covenants, Conditions and Restrictions for 281 East Land, San Antonio, Texas, recorded in Volume 8202, Page 524 in the Official Public Records of Bexar County, Texas; and all amendments, annexations and supplements thereto (collectively, "Declaration"), the Bylaws of the Association, and all policies, rules, and regulations duly adopted by the Association from time to time (collectively, "Governing Documents").

This Swimming Pool Enclosures Policy is adopted under the requirements of the TEX. PROP. CODE § 202.022 governing the regulation of swimming pool enclosures by an Association. Any previously adopted policies regulating swimming pool enclosures are of no further force or effect.

The adoption of this Swimming Pool Enclosures Policy for the purposes stated herein is in compliance with the TEX. PROP. CODE § 202.006, requiring all property owners' associations to file all Governing Documents in the real property records of each county in which the Property to which the Governing Documents relate is located. This Swimming Pool Enclosures Policy shall become effective as of the date the Swimming Pool Enclosures Policy is filed in the Official Public Records of Bexar County, Texas.

Capitalized terms contained herein shall have the definitions as set forth in the Declaration, as applicable.

1. General.

- A. A "swimming pool enclosure" as that term is used herein means a fence that:
- i. surrounds a water feature, including a swimming pool or spa;
  - ii. consists of transparent mesh or clear panels set in metal frames;
  - iii. is not more than six (6) feet in height; and
  - iv. is designed with the intent to be unclimbable.

B. An Owner may, in accordance with the design requirements herein, install a swimming pool enclosure on the Owner's property so long as the swimming pool enclosure conforms to applicable federal, state, or local safety requirements and building codes.

2. Design Requirements.

- A. A swimming pool enclosure must not be more than six (6) feet in height.
- B. A swimming pool enclosure must be designed to be unclimbable. Enclosures should be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the enclosure barrier.
- C. The metal frames for swimming pool enclosures consisting of transparent mesh or clear panels must be black, dark green or brown in color, or another color approved in writing by

the Association's Architectural Review Authority ("ARA"), as defined by TEX. PROP. CODE § 209.00505.

D. Swimming pool enclosures constructed with chain link metal fencing are strictly prohibited.

E. As an alternative to the swimming pool enclosure design described in Section 2(C), the following swimming pool enclosure designs are permitted to be constructed or installed on a Lot so long as the enclosure complies with Subsections A, B, D, and H:

- i. A brick, stone, stucco, or concrete wall that is harmonious in appearance to the residence or other improvements on the Lot and complies with any other requirements in the Governing Documents pertaining to materials, location, or appearance. No indentations or protrusions are permitted other than normal construction tolerances and masonry joints;
- ii. An ornamental metal, wood or other materials fence with vertical pickets or bars that are spaced not more than four inches (4") apart and that complies with any other requirements in the Governing Documents pertaining to materials, location, or appearance. Any horizontal member should be placed on the interior of the enclosure at a height that will not permit a young child to use the horizontal member to climb the enclosure barrier (e.g., at least 45 inches above the ground); or
- iii. A wood fence with vertical pickets in which the post and rail support structure is on the interior of the enclosure. Any horizontal member should be placed at a height that will not permit a young child to use the horizontal member to climb the enclosure barrier (e.g., at least 45 inches above the ground). Any such wood fence design must also comply with any other requirements in the Governing Documents pertaining to materials, location, or appearance.

F. Any swimming pool enclosure door or gate should:

- i. have a self-closing and self-latching device;
- ii. have hardware enabling it to be locked at the option of whoever controls the gate; and
- iii. should open outward away from the water feature.

G. For residences with children 4 years old or younger, Owners should follow the recommendations of the U.S. Consumer Product Safety Commission, including installing swimming pool enclosure doors or gates with alarms and floating pool alarms.

H. All swimming pool enclosures must conform to applicable federal, state, or local safety requirements and building codes.

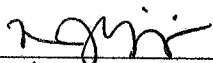
3. Approval Required. All new or modified Security Measures must be submitted to, and approved by, the Association's ARA prior to the commencement of construction or the installation of the swimming pool enclosure.

CERTIFICATE OF OFFICER

The undersigned certifies that the foregoing Swimming Pool Enclosures Policy was duly approved and adopted by the Board of Directors of 281 EAST HOMEOWNERS ASSOCIATION on the 30 day of August, 2021, and that the undersigned has been authorized by the Board of Directors to execute and record this instrument. The undersigned further certifies that the foregoing Swimming Pool Enclosures Policy constitutes a dedicatory instrument under TEX. PROP. CODE § 202.006 which applies to the operation of Mountain Lodge, a subdivision located in Bexar County, Texas, as hereinabove described.

Signed this 30 day of August, 2021.

281 EAST HOMEOWNERS ASSOCIATION

By:   
Name: NORMA JEAN GIFFIN  
Title: PRESIDENT