

DEERFIELD PARK COMMUNITY ASSOCIATION, INC.

ANTENNA AND SATELLITE DISH SYSTEM GUIDELINES

WHEREAS, the Board of Directors (the "Board") of *Deerfield Park Community Association, Inc.* (the "Association") has determined that it is in the best interest of the Association and its members to adopt these Antenna and Satellite Dish System Guidelines in accordance with applicable law and rules of the Federal Communications Commission (the "FCC").

NOW, THEREFORE, pursuant to the "Declaration of Covenants, Conditions, Restrictions, and Easements for Deerfield Park," filed under Clerk's File No. X487136, Official Public Records of Real Property of Harris County, Texas, as amended, (the "Declaration"), and pursuant to Section 204.010(a) of the Texas Property Code, the Association adopts the following guidelines, rules and restrictions which shall be binding upon all owners and residents, and their grantees, lessees, tenants, occupants, successors, heirs and assigns.

1.1 General Rule. A "Conforming Antenna" is a "Permitted Antenna" as defined in **Section 1.2** which complies with the location, installation, and other requirements of **Sections 1.3 and 1.4**. Installation of a Conforming Antenna may start as soon as a notification form has been properly completed and submitted to the Association as hereafter provided. All other Permitted Antenna and any other type of antenna, "dish", and any other device used for transmission or receipt of video programming, fixed wireless signals as defined by the FCC, or any other signals or data (a "Non-Conforming Antenna") are prohibited as provided in **Section 1.7** or may be installed only if the prior written approval of the Association is obtained in accordance herewith and with **Article IV** of the Declaration.

1.2 Permitted Antenna. To the extent required by the federal Telecommunications Act of 1996 or other applicable statutes, and subject to other applicable provisions of this Section and applicable Guidelines, rules and restrictions as may from time to time be hereafter adopted, the following types of antenna (including mast, cabling, supports, wiring, fasteners and other accessories necessary for proper installation, maintenance and use) are permitted ("Permitted Antenna"):

1.2.1 a "dish" antenna that is one meter (39.37") or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite,

1.2.2 an antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable), or to receive or transmit fixed wireless signals other than via satellite; and

1.2.3 an antenna that is designed to receive local television broadcast signals (an antenna designed to receive distant over-the-air television signals is *not* a Permitted Antenna).

1.3 Mandatory Requirements for Permitted Antenna. A Permitted Antenna is a Conforming Antenna only if all of the following requirements are met.

1.3.1 A PERMITTED ANTENNA SHALL BE NEITHER LARGER NOR INSTALLED HIGHER THAN IS ABSOLUTELY NECESSARY FOR RECEPTION OF AN ACCEPTABLE QUALITY SIGNAL.

1.3.2 A Permitted Antenna shall not encroach upon any other Owner's Lot, nor upon any other property outside of the Lot upon which the Permitted Antenna is located.

1.3.3 A Permitted Antenna must serve only the particular Lot on which it is located, and may not be located other than upon the Lot so served.

1.3.4 No more than one Permitted Antenna providing the same service may be installed per Lot.

1.3.5 ***IT IS RECOMMENDED THAT ALL PERMITTED ANTENNAE BE PROFESSIONALLY INSTALLED.*** CUSTOMER-END PERMITTED ANTENNA DESIGNED TO TRANSMIT FIXED WIRELESS SIGNALS ***MUST BE*** INSTALLED BY A QUALIFIED PROFESSIONAL INSTALLER IN ACCORDANCE WITH ALL MANUFACTURER'S INSTRUCTIONS, AND WITH APPLICABLE CODES, ORDINANCES, RULES, AND REGULATIONS TO MEET FCC STANDARDS FOR FREQUENCY EMISSION.

1.3.6 Permitted Antenna must be installed and at all times maintained and used in a manner which will not cause any distortion or interference whatsoever with respect to any other electronic device in the Subdivision.

1.3.7 To prevent electrical or fire damage or personal injury or property damage, Permitted Antennae (i) must be permanently and effectively grounded, (ii) must not be placed where same may come into contact with electric power lines (above ground or buried), (iii) must be installed and securely attached to withstand wind speeds of at least 70 m.p.h., heavy rain, and similar adverse weather conditions, and (iv) may not be placed closer to any Lot line than the total height of the Permitted Antenna (including any mast).

1.4 Additional Limitations on Permitted Antenna. The following limitations apply to installation and maintenance of Permitted Antenna except to the extent compliance would (i) unreasonably delay or prevent installation, maintenance or use; (ii) unreasonably increase cost of installation, maintenance, or use; or (iii) preclude reception of an acceptable quality signal. A Permitted Antenna is a Conforming Antenna only if all of the following requirements are met; provided, if installation, maintenance, or use would be impaired as aforesaid by compliance with any of the following limitations, then compliance must be as close as possible. Notwithstanding the foregoing regarding unreasonable cost increase, the Association shall have the option of removing any such objection by payment of the added cost.

1.4.1 Permitted Antenna must be located so as not to be visible from any frontage or side street, and to the extent feasible, so as not to be visible from any other street. In all other respects, Permitted Antenna must be installed in such manner as to minimize the visibility and visual impact of same from adjoining Lots and Community Properties.

1.4.2 If feasible, Permitted Antenna must be installed inside the applicable residence. Otherwise, Permitted Antenna must be attached to the applicable residence, and not mounted freestanding or on any mast. Attachment to the residence shall be on the rear side of the residence, or as close thereto as possible. If mast mounting is required, the mast must be located behind the applicable residence or as close thereto as possible, and the mast may not be higher than is absolutely necessary for reception of an acceptable quality signal.

1.4.3 No advertising slogans, logos, banners, signs or any other printing or illustration whatsoever shall be permitted upon or be attached to the Permitted Antenna. The foregoing does not prohibit an inconspicuous manufacturer's logo placed on an antenna as part of the original manufacturing of the antenna.

1.4.4 Permitted Antenna shall be a solid color consisting of whichever one of the following colors best conforms with the color scheme of the residence where the Permitted Antenna is located: soft white, cream, brown, gray, or tan. Exterior wiring shall be installed so as to not be visible from any street and otherwise so as to be minimally visible and blend into the material to which attached. The Association may require screening or other camouflaging in order to otherwise minimize visibility of any Permitted Antenna.

1.5 Owner's Maintenance and Indemnity.

1.5.1 Permitted Antenna must be properly maintained at all times in a safe and attractive manner, including repainting or other repair or replacement if the exterior surface of the antenna deteriorates.

1.5.2 If a Permitted Antenna detaches, in whole or in part, the user must remove the antenna or fully repair such detachment within 72 hours (or as otherwise provided in the next subsection).

1.5.3 Any detachment of a Permitted Antenna, and any other condition arising from the installation, maintenance or use of a Permitted Antenna which threatens the safety of any persons or property must be fully and immediately cured or the Antenna fully and immediately removed. In the case of an emergency, the Association may remove the Permitted Antenna immediately. Otherwise, the Permitted Antenna may be removed by the Association only after not less than ten days notice and failure to cure. In either case, the Association shall not be liable for trespass, conversion or otherwise regarding any such removal.

1.5.4 Each Owner is wholly and solely responsible for all costs associated with Permitted Antenna, including installation, maintenance, use, repair and replacement, and all damages, including medical expenses and costs of repair, resulting from such installation, maintenance, use, repair or replacement.

1.5.5 THE OWNER OF A LOT UPON WHICH ANY CONFORMING ANTENNA OR NON-CONFORMING ANTENNA IS LOCATED AND THE OWNER'S TENANTS, AS APPLICABLE, MUST UNCONDITIONALLY INDEMNIFY AND HOLD THE ASSOCIATION, THE BOARD OF DIRECTORS, AND THEIR RESPECTIVE DIRECTORS, OFFICERS, MANAGERS, COMMITTEE MEMBERS, SERVANTS, AGENTS AND EMPLOYEES HARMLESS FROM ANY AND ALL CLAIMS, SUITS, ACTIONS, EXPENSES AND DAMAGES, INCLUDING ATTORNEYS' FEES, WHICH ANY OF THEM MAY AT ANY TIME SUFFER OR INCUR OR BECOME LIABLE TO PAY BY REASON OF ANY ACCIDENTS, DAMAGES OR INJURIES TO PERSONS OR TO PROPERTY, OR BOTH, IN ANY MANNER ARISING FROM ANY WORK PERFORMED IN CONNECTION WITH, OR THE INSTALLATION, MAINTENANCE, USE, REPAIR OR REPLACEMENT OF, ANY CONFORMING ANTENNA OR NON-CONFORMING ANTENNA.

1.6 Notification Process; ACC Forms and Required Information.

1.6.1 Any Owner or their tenant desiring to install a Conforming Antenna (as defined in **Section 1.1**), must complete a notification form and submit it to the Association. The installation of the Conforming Antenna may then begin immediately. No Non-Conforming Antenna may be installed unless and until the prior written approval of the Board is obtained in accordance herewith and with **Article IV** of the Declaration. ***OWNERS AND TENANTS ARE ENCOURAGED TO OBTAIN PRIOR APPROVAL BEFORE INSTALLING ANY ANTENNA, SATELLITE DISH SYSTEM OR SIMILAR DEVICE AS THE ASSOCIATION MAY OTHERWISE REQUIRE REMOVAL OR RELOCATION AT THE EXPENSE OF THE APPLICABLE OWNER OR TENANT IF INSTALLATION IS LATER DETERMINED TO BE NON-CONFORMING.***

1.6.2 The Board may from time to time promulgate forms to be used to notify the Association as to installation of Conforming Antenna and/or to request approval for installation of Non-Conforming Antenna, and may require use of such forms in lieu of any other. At a minimum, a notification of intent to install a Conforming Antenna must describe the size, type and color of the Conforming Antenna, described in detail the location and manner of installation, and identify the installer by name and telephone number. An application for approval to install a Non-Conforming Antenna must provide the same information as aforesaid, and additionally must state each requirement for a Conforming Antenna which will not be met and as to each requirement that will not be met the reasons for non-compliance. Each notification or application submitted must be signed and dated.

1.6.3 The initial forms of notice of intent to install a Conforming Antenna and request for approval for installation of a Non-Conforming Antenna are attached hereto as Exhibits "1" and "2", respectively. These forms must be used in lieu of any others unless and until replaced by the Board.

1.7 Prohibited Antenna. In no event shall any antenna, "dish" or other device be used for transmitting electronic signals of any kind except Permitted Antenna as defined in Sections 1.2.1 and 1.2.2. Antenna and similar devices of any type used for citizen band ("CB") radio, amateur ("HAM") radio, AM/FM radio, or Digital Audio Radio Service ("DARS"), are prohibited and shall not be erected, placed or permitted to remain on any Lot, on any improvement located on any Lot, or elsewhere in the Subdivision. Without limitation as to the authority of the Board, specifically the Board may grant variances as to prohibited antenna and the Board may condition granting of any such variance upon placement of the antenna in the attic of a residence.

1.8 Repealer; Amendment, Effective Date. These guidelines, rules and restrictions supercede any previously adopted guidelines, rules or restrictions on the same subject matter, including Section 8.10 of the Declaration to the extent said provisions of the Declaration are inconsistent herewith or otherwise prohibited by applicable law or rules of the FCC. These guidelines, rules and restrictions may be amended from time to time as the Board deems appropriate. Subject to the foregoing, these guidelines, rules and restrictions are effective from and after the date of filing of same in the Official Public Records of Real Property of Harris County, Texas.

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DEERFIELD PARK COMMUNITY ASSOCIATION, INC.

NOTICE OF INTENT TO INSTALL "CONFORMING ANTENNA"

This notice of intent is for use only if one of the types of antenna listed below is being installed, and only if the apparatus and installation otherwise fully comply with the Association's guidelines, rules and restrictions such that it is a "Conforming Antenna" as defined in Section 1.1 of the Association's Antenna and Satellite Dish System Guidelines. A request for approval to install a "Non-Conforming Antenna" must be used in all other cases. THIS FORM MUST BE FILLED OUT FULLY AND COMPLETELY (ATTACH ADDITIONAL PAGES AS NEEDED), AND MUST BE DATED AND SIGNED. PLEASE PRINT OF TYPE (EXCEPT SIGNATURES).

Owner(s) Name: _____

If Rental, Tenant(s) Name: _____

Property Address: _____

Telephone /Day: _____ /Evening: _____ Fax: _____

Type of Antenna (Check One): Direct broadcast satellite "dish"
 MMDS (wireless cable) antenna
 Local broadcast television antenna

Antenna Size: _____ Mast Size (If applicable): _____

Masts are prohibited unless absolutely necessary as permitted by applicable FCC rules.

Company Installing Antenna: _____

Address: _____ Telephone: _____

Date Installation is to Start: _____ Finish: _____

Antenna Location: _____

Please fully described method of installation and how the installation will be secured:

The undersigned assumes liability for any injury caused by, and any damage to the Association and other owner's property that occurs due to, antenna installation, maintenance, or use.

Signature(s): _____ Date: _____

FILED
DE MAR - 7 AM 11:40
COUNTY CLERK
HARRIS COUNTY, TEXAS
[Signature]

2486

Exhibit "1"

DEERFIELD PARK COMMUNITY ASSOCIATION, INC.

REQUEST FOR APPROVAL TO INSTALL "NON-CONFORMING ANTENNA"

FORM MUST BE FILLED OUT FULLY AND COMPLETELY (ATTACH
ADDITIONAL PAGES AS NEEDED), AND MUST BE DATED AND SIGNED.
PLEASE PRINT OF TYPE (EXCEPT SIGNATURES).

Owner(s) Name: _____

If Rental, Tenant(s) Name: _____

Property Address: _____

Telephone/Day: _____ /Evening: _____ Fax: _____

Type of Antenna (Check One):
 Direct broadcast satellite "dish"
 MMDS (wireless cable) antenna
 Local broadcast television antenna
 Other - Please specify: _____

Antenna Size: _____ Mast Size: _____

Masts are prohibited unless absolutely necessary as permitted by applicable FCC rules.

Company Installing Antenna: _____

Address: _____ Telephone: _____

Date Installation is to Start: _____ Finish: _____

Antenna Location: _____

Please fully described method of installation and how the installation will be secured:

Please state each requirement for a "Conforming Antenna" which will not be met and as to each the reason(s) for non-compliance (attach additional page(s) as needed):

The undersigned assumes liability for any injury caused by, and any damage to the Association and other owner's property that occurs due to, antenna installation, maintenance, or use.

Signature(s): _____ Date: _____

Exhibit "2"

RECORDED & INDEXED
At the time of recording, this instrument was found to be inadequate for the best protection and reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

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
THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me; and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

MAR - 7 2005



Beverly L. Kaufman

COUNTY CLERK
HARRIS COUNTY, TEXAS

2005-03-07 10:24:00