

Independence Title/GF# 2308145 -LND/ZBK

ESPERANZA COMMUNITY ASSOCIATION, INC.

RESOLUTION OF DECLARANT

The undersigned, being the Declarant of the Esperanza Subdivision, including the Esperanza Community Association, Inc., a Texas non-profit corporation (the "Association"), does hereby consent and approve, pursuant to the Declaration for the Association, the adoption of the following resolution:

WHEREAS, pursuant to the Declarations of Covenants, Conditions, and Restrictions for Esperanza¹, the Declarant has the right to promulgate, amend, repeal and/or re-enact... such rules not in conflict with the Declaration, as it deems proper, covering any and all aspects of its functions, including the use, occupancy, and preservation of Association property; and

WHEREAS, such rules are applicable to all Sections of land subject to the jurisdiction of the Association; and

WHEREAS, the Declaration also provides that the Declarant may without limitation adopt rules for the purpose of administering the Association, including obtaining compliance by Owners and their family, guests, and tenants with the Declaration, the Bylaws, and the provisions of any other law or applicable rule; and

WHEREAS, the Declarant desires to adopt "The Club at Esperanza and Esperanza Common Areas – Facility User Rules and Guidelines" attached hereto as Exhibit "A" and incorporated herein for all purposes.

NOW THEREFORE, "The Club at Esperanza and Esperanza Common Areas – Facility User Rules and Guidelines" attached hereto as Exhibit "A" are hereby adopted, approved, and enforceable; said Rules and Guidelines will replace and supersede the Amended and Restated Facility User Rules and Guidelines previously adopted on May 6, 2022, and recorded under File No. 2022-369937 in the Official Public Records of Kendall County, Texas.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed as of the 29 day of April 2024.

¹ See the most recent Management Certificate for Esperanza Community Association, Inc., on file in the Official Public Records of Kendall County, Texas, for a complete list of all Sections of Esperanza and the Declarations of Covenants, Conditions, and Restrictions for Esperanza applicable to each Section.

DECLARANT:

LOOKOUT DEVELOPMENT GROUP,
L.P., A TEXAS LIMITED PARTNERSHIP

By: The Lookout Group, Inc.

By: *Kelly Rarick*
Kelly Rarick, Vice President

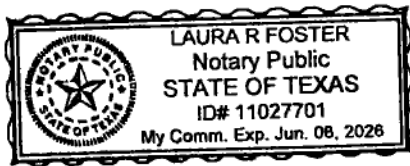
THE STATE OF TEXAS

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ACKNOWLEDGMENT

COUNTY WILLIAMSON

BEFORE ME, the undersigned notary public, on this the 29 day of April 2024, personally appeared *Kelly Rarick*, Vice President of The Lookout Group, Inc., a Texas corporation, General Partner of Lookout Development Group, L.P., a Texas limited partnership, on behalf of said corporation and said partnership, and acknowledged to me that they executed the same for the purpose and in the capacity therein expressed.



Laura Foster
Notary Public in and for the State of Texas



The Club at Esperanza
and Esperanza
Common Areas

Facility User
Rules and Guidelines

The Club at Esperanza and Esperanza Common Areas

Facility User Rules & Guidelines

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I. Introduction

The Club at Esperanza and Common Area Facility User Rules and Guidelines (Rules) are established by the Board of Directors (Board) for the Esperanza Community Association, Inc. (Association) under the authority described in the Association’s governing documents. These Rules are designed to ensure that the Association serves the best interests of the greatest number of Residents and Resident Guests (collectively, “Facility Users”). These Rules are established to preserve the recreation facilities of the Association for the convenience and enjoyment of Facility Users and apply to and are enforced equitably amongst all Facility Users. While all Facility Users are entitled to enjoy The Club at Esperanza and other Common Areas within Esperanza, they must do so while respecting the rights of others, displaying courtesy to others, and applying common sense to the use of all recreational equipment and facilities in and around The Club at Esperanza.

The Association is a family-oriented community that services residents of all ages. The Club At Esperanza and Esperanza Common Areas are meant primarily for enjoyment of Residents of the Association. Residents' Guests may be accommodated only when such accommodation does not infringe upon the convenience or rights of the Residents. These Rules may be reviewed and amended by the Board at any time at its sole discretion. Any revisions to these Rules will be disseminated to the community through email and/or posting on the Association's website.

It is the Association's policy to not discriminate in the use of The Club At Esperanza and Esperanza Common Areas, the provision of services related to the use of The Club At Esperanza and Esperanza Common Areas, or the application of these Rules based on race, color, creed, ancestry, religion, sex, sexual orientation, familial status, marital status, national origin, handicap, or disability.

II. Use of Facilities and Assumption of Risk

All use of Association facilities and participation in Association programs is purely voluntary. The recreational nature of all Association activities and programs may involve some personal or physical risk on the part of the Facility User. Program participation by a Facility User is therefore an acknowledgement and acceptance of the inherent risks. All Facility Users must sign these Rules and Informed Consent, Release and Waiver Agreement and Facility User's Agreement prior to The Club at Esperanza and Esperanza Common Area use. Additional forms appropriate for trips, activities, sports, clubs, and tours may be required prior to participation in the respective activities.

The Association strives to consistently maintain The Club At Esperanza and Esperanza Common Areas in good condition. However, periodic wear and tear, as well as seasonal or climatic factors, may temporarily render an area in less than optimum condition. If such a condition occurs, Facility Users should immediately contact an Esperanza Community Association staff member or the Community Manager for assistance. Absent such notice, the Association will assume the facilities are free of obstruction or hindrance. Injuries, accidents, or other serious incidents must be immediately reported to an Esperanza Community Association staff member or the Community Manager so an incident report can be completed, and any needed action taken.

The Association is not liable for bodily injury, personal injury or inconvenience sustained during the use of The Club At Esperanza and Esperanza Common Areas and any programs presented therein. Further, the Association is not responsible for the loss or theft of any personal belongings of any Facility User, volunteer, vendor, staff member or visitor to The Club At Esperanza and Esperanza Common Areas or any Association facility.

In some cases, the Association may limit participation in activities to persons of certain minimum ages for health and safety reasons and may require the minor's parent or legal guardian to sign and have notarized an affidavit attesting to the minor's age and birth date.

These Rules have been developed to ensure that Facility Users are provided with a safe and enjoyable experience while using The Club At Esperanza and Esperanza Common Areas. Prior to participating in any Association activity or program, Facility Users are encouraged to familiarize themselves with The Club At Esperanza and Esperanza Common Areas and its Rules.

III. Authority

The Board's authority to adopt these Rules is provided by the Bylaws and the Declaration of Covenants, Conditions, and Restrictions (Declaration). These Rules are binding upon all Facility Users. In addition, the Declaration provides the Board the means to ensure compliance of these Rules and provides the Association the following rights for violations or abuse of these Rules:

1. The right of the Association to levy reasonable monetary fines.
2. The right to suspend a Facility User's right to use any or all Association amenities.
 - a. The right of use may be suspended 30-60 days for minor violations of the Rules. The right of use may be suspended for a year for violations which are dangerous or have the ability to impact the health and safety of others, as well as for violations which are based upon property damage or inappropriate behavior to others.

IV. Membership

Pursuant to the Declaration, each Owner of a Lot is a Member of the Association. If a Lot is owned by more than one (1) person, all co-Owners are Members of the Association. A Member may invite guests to The Club At Esperanza and Esperanza Common Areas in accordance with the provisions of these Rules. A Member who leases their home surrenders their rights to use The Club At Esperanza and Esperanza Common Areas to the Tenant of the residence during their term of the lease.

V. Access Fobs

Access Fobs shall mean the product (whether a smart phone application or physical product) required to access The Club At Esperanza and Esperanza Common Areas and to participate in community sponsored events and activities. Access Fobs are issued by the management entity for Esperanza Community Association, Inc. to Owners or Occupants of Lots, provided that the assessments associated with such Lot are no more than 30 days past due, and with proper identification.

1. Access Fobs – Any person who is an "Owner" or "Occupant" as defined in the Declaration of Covenants, Conditions, and Restrictions for the Association has the right to an Access Fob except as described in the Rules. Access Fobs cannot be transferred and may only be utilized by the person of issuance.

In order for the Access Fobs to be issued and remain valid, the Owner(s) must remain a member in good standing with the Association. All assessments must be no more than 30 days past due, and the Owner or Occupant must not have had his or her rights suspended by action of the Association.

2. Suspension. Access Fobs may be suspended or revoked pursuant to the terms and conditions of the Declaration for the following actions by the Owner(s), Occupants, or a member of their respective households:
 - i. Use of false information to obtain an Access Fobs.
 - ii. Unauthorized use of Access Fobs.
 - iii. Violation of the governing documents of the Association, including its Rules.
 - iv. Non-payment of assessments or other charges.

3. Allocation – Each Lot will be issued a maximum of two (2) Access Fobs at no charge.
4. Issuance – Occupants seeking to obtain an Access Fob(s) must submit one of the following proofs of eligibility: Driver’s License or other Photo Identification and a Utility Bill showing a qualifying street address, Title Company Closing Document or Valid Lease Agreement. In addition, Occupants must present a signed “The Club at Esperanza and Esperanza Common Areas Facility User Rules and Guidelines” (the “Rules”) which includes an Informed Consent, Release and Waiver Agreement before the Access Fobs will be issued.
5. Tenant Access Fobs - Owners who lease their Lot to an Occupant must relinquish their Access Fobs(s) for the Lot and shall be deemed to have assigned their rights to an Access Fobs to the Tenant of the Lot. Owner shall provide Tenants or Occupants their Access Fobs to be reassigned to the Tenant or Occupant once proof of lease is provided by The Club At Esperanza and Esperanza Common Areas Staff. If the owners do not provide the Tenant or Occupant their Access Fobs, Tenants or Occupants will be required to pay \$25.00 per Access Fobs and Access Fobs will be disabled. Tenant Access Fobs are issued to those individuals leasing a residence within the Association and who have provided a copy of a valid lease agreement. Such access fobs shall have the same rights as Owner Access Fobs but are referred to herein as Tenant Access Fobs for the sake of clarity. In order for Tenant Access Fobs to be issued and remain valid, assessments must be no more than 30 days past due. Tenant Access Fobs shall be revoked at such time as the Tenant no longer resides on the Lot or upon the termination of the lease agreement. If a lease is renewed, the owner must provide The Club At Esperanza and Esperanza Common Areas Staff with an updated lease agreement or written consent that the Tenant’s lease has been renewed along with the terms of renewal.
6. Declarant Access Fobs - As long as the Declarant owns any portion of the Community or has the right to annex property, the Association shall provide the Declarant, free of charge, with as many Access Fobs as the Declarant, in its sole discretion, deems necessary for the purpose of marketing the Community. The Declarant may temporarily transfer the Access Fobs to prospective purchasers of Lots subject to such terms and conditions as it, in its sole discretion, may determine. Use of such Access Fobs shall be subject to these Rules. Access Fobs provided to the Declarant shall entitle the bearer to use all Common Areas and recreational facilities, subject to the availability, payment of admission fees or other use fees charged to Facility Users holding Access Fobs.
7. Temporary Activity Cards - The Board may, at its sole discretion, issue Temporary Access Fobs to persons who have signed binding contracts to purchase a Lot, subject to such policies as the Board may determine. If provided, such Temporary Access Fobs shall expire at closing of the Lot purchase and may be revoked by the Board.
8. Guests – Must be accompanied by a Resident with an active Access Fob while enjoying the Esperanza amenities at all times.

Only those possessing valid Access Fobs and their guests are entitled to use The Club At Esperanza and Esperanza Common Areas. Access Fobs must be presented or swiped on the automatic door locks when entering The Club At Esperanza and Esperanza Common Areas. A fee, in the amount of \$25.00, shall be charged for all replacement or damaged Access Fobs.

VI. Code of Conduct

1. Physical abuse of other Facility Users, The Club At Esperanza and Esperanza Common Areas Staff members, pool monitors, vendors or volunteers is prohibited. Immediate suspension of privileges may ensue and continue until a hearing can be conducted by the Board.
2. Facility Users shall show common courtesy and refrain from harassment of any Facility User, The Club At Esperanza and Esperanza Common Areas staff member, pool monitor, volunteer, or vendor; or otherwise interfere with the management of the Association.
3. Any guest that is under the age of 14 must be accompanied by a Resident that is at least 18 years of age at all times while enjoying any of the Esperanza amenities. Residents are responsible for their conduct and the conduct of their guests and the Owner's Lot is subject to any ramifications, disciplinary, and/or financial consequences due to individual or guest actions.
4. Residents are prohibited from profiting financially from their membership by charging guests for use of The Club At Esperanza and Esperanza Common Areas.
5. Facility Users will not engage in unsafe activities or actions that compromise the safety of themselves or others.
6. Facility Users must obey all safety rules and shall stop unsafe activity as instructed by Association staff members or pool or appointed volunteers or vendor partners.
7. Proper dress is required in The Club At Esperanza and Esperanza Common Areas at all times, and specific attire may be designated by the Board for specific events, areas, and locations. Unless otherwise specified, appropriate casual attire is required in all areas in and around The Club At Esperanza and Esperanza Common Areas. Appropriate casual attire for men and boys includes footwear, shirts and either pants or shorts. For women and girls, footwear, blouses/shirts, and pants/skirts/dresses and/or shorts are appropriate. Upper body garments must be worn in all activities, except for men using the aquatic facilities. Appropriate athletic apparel is required in all indoor and outdoor fitness/sports areas and should include proper footwear. Sport bras are not considered upper body garments and must be worn with an accompanying shirt. Offensive graphics, language or slogans are not permitted on clothing.
8. The Club At Esperanza and Esperanza Common Areas and all Association amenities areas are tobacco and drug-free environments.
9. Pets are prohibited from entering any of the Esperanza Facility buildings and pool enclosure area; except those aiding a person with a disability, unless authorized by Association Staff for a community event. Pets must be kept on a leash and at no time will any pet be left unattended outside of the Esperanza Facilities.
10. The Association is not responsible for lost or stolen items.

11. All Facility Users must present their Access Fobs for admission to and use of the facility. The fob must be carried while using any of The Club At Esperanza and Esperanza Common Areas amenities. If a Facility User forgets their Access Fobs, a mandatory replacement will be required and shall be charged to the Lot Account for future entrance into the facility.
12. Staff reserves the right to take reasonable actions deemed necessary for the safety of Facility Users or protection of equipment.
13. Facility Users who violate these Rules may be asked to vacate The Club At Esperanza and Esperanza Common Areas and may be reported to the Board for disciplinary action, as appropriate.
14. Any Facility Users who conduct themselves in an unbecoming manner or who knowingly violate these Rules are subject to disciplinary action by the Board, including suspension of membership privileges and an imposition of fines, subject to the terms of the Association governing documents. Association staff may immediately remove Facility Users who do not abide by these Rules and will be reported to the Board for disciplinary action, as appropriate.
15. Owners may be requested to appear before the Board to discuss an infraction of these Rules by the Residents, their Guest or Occupant of their leased residence. Residents also have the right to appear before the Board if disciplinary action is being considered. Such rights are dictated by the Association governing documents.

VII. Esperanza Amenity Operations

1. Supervision – At no time may a child under the age of 14 be left at The Club At Esperanza and Esperanza Common Areas or any of the amenity areas that is not accompanied by a Resident that is present and available on the premises who is at least 18 years of age. Parents, guardians, or persons responsible for the care of minor children are required to adequately supervise the minor children under their care while enjoying the Esperanza amenities. If an unattended child appears to be lost, is being disruptive, or if in the judgment of The Club At Esperanza and Esperanza Common Areas staff, his or her safety is jeopardized, The Club At Esperanza and Esperanza Common Areas staff will make an attempt to locate the parent, guardian, person responsible for the care of the child. If the parent, guardian, or person responsible for the care of the child cannot be located, the child may be placed in the care of the local law enforcement agency. The Club At Esperanza and Esperanza Common Areas staff will not, under any circumstances, be responsible for determining whether an apparent parent, guardian, or person responsible for the care of a minor child is legally authorized to oversee or provide for the care of the minor child.
2. Complaints - Complaints regarding staff members or contracted labor should be directed in writing to the Community Manager. The Community Manager will make reasonable efforts to promptly resolve the conflict. Due to an employee's right to confidentiality, it may not be possible to provide information to a complainant regarding the status of a complaint when it involves a personnel action. Under no circumstances will Facility Users interfere with, attempt to discipline, or otherwise direct Staff in the course of Association business. Facility Users shall not request special personal services from the staff of The Club At Esperanza and Esperanza Common Areas or the Association.

3. Soliciting - Soliciting is prohibited unless the Board of Directors gives its prior written consent. Solicitation pertaining to Association or Declarant business is permitted on a limited basis.
4. Advertising - Notices, advertisements or posters of any kind may not be placed or distributed in or around The Club At Esperanza and Esperanza Common Areas without the prior written consent of the Board. Association Community Partners may be permitted to advertise at the discretion of the Board of Directors.
5. Cell Phones - Cell phones should be silenced when attending any meetings, during performances or at any events. When using The Club At Esperanza and Esperanza Common Areas (including the pool areas) cell phone users should respect others by leaving the area to take a call and moderating voice tone to avoid disturbing others. The use of a radio-style phone, in walkie-talkie mode, is prohibited, except by vendors or staff while conducting business. Residents and guests shall at all times use headphones when listening to music or other broadcasts on cell phones.
6. Photographic Equipment - Photography of any kind is not permitted inside the restrooms. When using photographic equipment of any kind, residents should take care not to inadvertently include in the photo or video any person who has expressed a wish not to be so included.

Photographic equipment is permitted in public spaces of The Club At Esperanza and Esperanza Common Areas, such as the pool area, lobby, community room, pavilion, and parks for the purpose of photographing events (dance recitals, birthday parties, etc.) for personal use.

Photographing, recording, or video-taping owners, residents, tenants, guests, or agents of the Association without their consent is prohibited.

By execution of the Facility User's Agreement, Residents and their guests authorize and consent to the Association and Declarant's use of any photography performed during Association events and activities.

No commercial photography still or video is permitted anywhere in the facilities or common areas without the prior written approval of the Board. The Declarant is excluded from this guideline.

All video or surveillance recordings of the Association may be turned over to local authorities, without notice to those in the recording, when requested and if needed for the purpose of a criminal investigation or pursuing recovery of damages. The Association also retains the right to post videos of criminal activities online for the purpose of soliciting the identification of those in the videos.

7. Roller skates (including shoes with wheels on the heel), skateboards, rollerblades, bikes, and scooters, including self-balancing motorized scooters are prohibited from being used within The Club At Esperanza and Esperanza Common Areas, including parking lot, unless authorized by Association staff for a fitness or community event.
8. Food and Drink - Water and sport drinks in a closed container only, are permitted in the Fitness Center. Ceramic, china, glass, or other breakable containers are not permitted in the facility at any time unless approved by Esperanza staff.

9. Esperanza staff may be permitted to search all ice chests and bags prior to allowing entrance to The Club At Esperanza and Esperanza Common Areas. No person under the influence of any illegal substance may utilize The Club At Esperanza and Esperanza Common Areas amenities.
10. Equipment Use - Furniture, equipment and supplies are the property of the Association and shall not be removed from The Club At Esperanza or Esperanza Common Areas without the prior written permission of Association Staff. While certain Association-owned items may be stored or set-up in a particular room, these items remain the property of the Association and may be relocated by Association Staff or used for other activities or events as needed.
11. Facility Scheduling - In order to accommodate the large number of residents who utilize the facilities, it is necessary to properly schedule activities. Use of Association facilities is on a first-come basis with scheduled reservations taking priority. The room schedule is established and maintained by the Association Staff in accordance with policies and procedures established by the Board of Directors from time to time, as amended.
12. Programming Fees - In addition to the fees for Common Assessments which support the general management and administration of the Community Association, user fees and charges may be assessed to support the cost of additional lifestyle and fitness programs and services such as classes, trips, and special events. Space or tickets cannot be reserved without payment. The Association adheres to a "No-Refund" policy for reservations for activity programs except in instances where a program is cancelled by the Association. Residents who are unable to attend an event or program are encouraged to coordinate with Association Staff to find a resident to purchase the ticket. Under no circumstances can the amount charged be more than the stated price of the event/ticket. For extreme circumstances, a refund request may be presented to the Community Manager for consideration.
13. Event and Program Registration - Residents may register for various activities and classes upon presentation of a valid Access Fob.

VIII. Parking Policy

1. The parking lot is available to residents and their accompanied guests during The Club At Esperanza and Esperanza Common Areas hours of operation. No overnight parking is permitted.
2. Parking is available on a first come, first serve basis.
3. Parking is at the risk of the vehicle owner or person driving the vehicle. The Association, its Agents, Board, Insurance Company, and Management are not responsible for theft, damage, or loss.
4. Safe and proper speeds must be maintained while driving in the parking areas.
5. Residents must observe all posted signs including but not limited to stop signs, one-way signs, posted speed limits, and/or entrance/exit signs.

6. Handicapped spaces are reserved for those displaying the proper license plate or government issued placard.
7. No parking is permitted at any time in posted areas prohibiting parking, traffic lanes, front of trash doors/bins or gates or building entrance/exits, reserved, or assigned parking spaces, and fire or emergency lanes.
8. No trailer, camper, dune buggy, boat, or any other recreational vehicle shall be parked in any portion of The Club At Esperanza and Esperanza Common Areas.
9. Vehicle maintenance or repair work of any kind in The Club At Esperanza and Esperanza Common Areas parking area is prohibited.
10. Washing, waxing, detailing, and servicing vehicles in any way in the parking area or any other location on the premises is prohibited.
11. Use of parking lot for Driver control/safety training is prohibited.
12. Towing Policy - Decisions to tow a vehicle from The Club At Esperanza and Esperanza Common Areas shall be that of the Community Manager. Effort will always be made to contact the owner of a vehicle that may be towed, prior to towing, except in the case of an emergency.

The Club At Esperanza and Esperanza Common Areas Manager, on behalf of the Association Board, may cause the removal of a vehicle parked within The Club At Esperanza and Esperanza Common Areas property to be towed if the vehicle is parked in violation of any of the following:

- i. The vehicle has been issued a notice of parking violation, and forty-eight (48) hours have elapsed since the issuance of that notice.
- ii. The vehicle is parked overnight or past the posted hours of operation of The Club At Esperanza and Esperanza Common Areas.
- iii. The following violations may necessitate immediate towing without prior notice:
 - a. The vehicle is parked in a marked fire lane.
 - b. The vehicle is parked within fifteen (15) feet of a fire hydrant.
 - c. The vehicle is parked in a manner that interferes with ingress, egress, and access to The Club At Esperanza and Esperanza Common Areas, handicap access areas, gates, doors, garbage bins, etc.
 - d. The vehicle is parked in a manner that impedes the flow of traffic.
 - e. The vehicle is parked in a space designated for handicapped parking without proper authority or placard/decal.
 - f. The vehicle is parked in a designated reserved parking space.
 - g. The vehicle is parked in any location designated as "No Parking" by either signage, painted curb, or other method of designation.

IX. Fitness Center – The Fitness Center is a private facility for Residents. Personal trainers may be made available to Facility Users at a fee for training purposes and workout coordination. Residents shall not be permitted to use a private personal trainer until such time as such Personal Trainer has signed a Facility User Agreement and Resident has full responsibility for any actions of such Personal Trainer. A fee for such Approval may be charged to the Personal Trainer at the sole discretion of the Board of Directors.

1. All Facility Users should check with their doctor before they engage in a more physically active lifestyle or exercise program.
2. All Facility Users using the equipment in the Fitness Center do so at their own risk. Facility Users may be restricted from utilizing the Fitness Center or specific equipment in the Fitness Center based on safety considerations, including recommendations of equipment suppliers or manufacturers.
3. Proper attire is required in the Fitness Center – shirts are required at all times.
4. Appropriate athletic shoes must be worn at all times. Sandals, Crocs™ style, and/or open-toe shoes are not allowed.
5. After use, Facility Users must wipe down all equipment with the sanitation wipes provided. Workout towels are not provided.
6. All electronic devices must be used with headphones. Facility Users are responsible for providing their own headphones to be used with television-equipped cardio equipment. Facility Users should keep all audio to a personal level that is inaudible to other users.
7. Slamming or dropping of weights and equipment is not permitted.
8. All weights must be re-racked by the user.
9. Any moveable equipment must be returned to its regular location upon completion of use.
10. No one under the age of 12 is permitted in the Fitness Center.
11. Residents ages 12 to 15 must be accompanied by a resident 21 years or older.
12. Guests are not permitted to use the fitness center at any time.
13. Fitness Center door must remain closed at all times and must not be propped or held open under any circumstance.
14. Fitness Center access may be revoked due to misuse of equipment or misconduct or violations of these Fitness Center rules.
15. Pets are not permitted. This rule does not apply to service animals required for person(s) with special needs.

16. Facility Users must swipe their Access Fob to enter, only one entry permitted at a time.

17. Facility Users are responsible for securing their valuables.

18. No smoking or vaping is permitted at any time.

X. Swimming Pools - are private facilities for Facility Users. SWIM AT YOUR OWN RISK. The following rules apply to the use of the Association pools. Additional rules may be posted at the pool:

1. If there is a disagreement on the interpretation or intent of any of the following rules, the Association Staff will make the final determination as to the interpretation or intent of the rule(s) in question.
2. For purposes of these rules, (the "Pool Area") is defined as all the area located within the fences and gates at The Club At Esperanza facility.
3. No lifeguard on duty - Swim at your own risk at all times.
4. All Owners must register their family and guests, accompany them at all times and are responsible for their actions.
5. No swimming is permitted outside of pool hours provided by management.
6. A maximum of 5 guests are allowed per household per day.
7. A Resident at least 18 years of age must accompany all children under the age of 14 and their guests and are responsible for their actions.
8. Parents are responsible for the actions of their children.
9. Users must not compromise the cleanliness of the pools, or subject other users to unhealthy conditions.
10. Users are required to wear appropriate swimwear at all times. Thongs are strictly prohibited. No street clothing such as undergarments, sports bras, basketball shorts, jean shorts or cargo shorts are allowed. White t-shirts or tank tops are permitted over an appropriate swimsuit. Nudity is strictly prohibited.
11. Any person who is not fully toilet trained or incontinent must wear appropriate waterproof clothing, such as swim diapers or swim pants, when entering or being carried into a pool. In addition, rubber or plastic pants over the swim diaper are recommended. No regular diapers are permitted in the pools. Changing diapers within 6 feet of the pool is prohibited.
12. Swimmers with a cold virus, communicable disease, open sores, ear, or nasal discharge are not allowed in the pools.
13. No pushing, fighting, dunking, towel snapping, horseplay or extended breath holding activities are allowed. No climbing on or around the Lazy River wall.

14. Running or diving (including somersaults, back dives, cannon balls, preacher seats, can openers, or similar type of entries) into the pools are prohibited.
15. Pool gates must be kept locked at all times; gates may not be propped open.
16. No bicycles, skates, skateboards, etc. (including tennis shoes with rollers) are permitted within the Pool Area as they may damage the surface. Baby strollers are allowed.
17. Bluetooth or portable speakers are not allowed, headphones may be used, earphones are required on all devices. However, water exercise classes may use sound equipment as necessary to conduct their programs.
18. The Pool Area is reserved for walking, safety, and emergency purposes. No obstruction of any kind will be permitted in this area.
19. Food and beverages are permitted in the Pool Area, but not in the pools. No ceramic, china, glass, or other breakable containers are allowed anywhere in the Pool Area. Trash containers are available, and Facility Users must clean-up after themselves. The Pool Monitor and/or Association staff may search any ice chests/coolers at any time. No ice chests/coolers larger than 24”L x 24”W x 24”H are allowed within the Pool Area.
20. Inflatables are permitted at the discretion of the Association Staff/Pool Monitors. For safety reasons, if at any point the inflatables obstruct the view of swimmers, the resident may be asked to remove the inflatable from the pool. HOA-provided floats are allowed in the Lazy River. Only safe “aquatic balls” or balls specifically intended for use in swimming pools are allowed to be used within the Pool Area at the sole discretion of the Association Staff.
21. An adult 18 years of age and older must accompany all children under 14 and their guests. Facility Users may be asked to provide proof of age if requested by Association Staff/Pool Monitors.
22. Hanging, swinging, or pulling on aquatic equipment or features is not permitted.
23. Stair rails are installed to assist and guide pool users. Standing, hanging, or sitting on the stair rails is prohibited.
24. During busy times Facility Users will be asked to share lanes or circle swim and may be asked to limit swim time.
25. During thunder and lightning storms or other inclement weather conditions, Residents and their guests must clear the Pool Area. Any Facility User failing to abide by Association Staff/Pool Monitors’ instructions, stated policy or safety rules will be asked to leave the Pool Area. The judgment of Association Staff/Pool Monitors with respect to safety, decorum and sanitation will prevail. Repeat offenders may be subject to facility suspension pending a Board hearing.

26. In the swimming pools, chemicals are used to ensure a sanitary and safe water environment. Conditions are tested and documented on a regular basis. If unacceptable conditions occur, Association Staff/Pool Monitors reserves the right to close the pool at any time to preserve the health and well-being of Facility Users.
27. Chemicals are used in the pool water that may cause damage to swim wear. The Association will not be responsible for any such damage.
28. Patio furniture in the Pool Area shall not be removed. The pool furniture is to remain on the pool deck and out of the pools. Only HOA-provided furniture is allowed in the Pool Area.
29. Facility Users should immediately report fecal, vomit or any pool contamination incidents to an Association Staff/Pool Monitor.
30. Climbing on or over the Pool Area fence/gates is prohibited. Violators, whether Residents or Resident's guests, may be subject to the deactivation of key fobs, fines and/or prosecution. When Association Staff/Pool Monitors are not on-site, Residents should contact the Kendall County Sheriff's Department regarding such trespass.
31. If a child is under 48 inches in height, an adult at least 18 years of age must be within 10 feet of the child unless the child is wearing a Coast Guard approved life vest. This rule will not apply to children under 48 inches in height who have passed a swim test administered by an appropriate party.
32. Unauthorized persons will be asked to immediately vacate the premises and may be reported to the local authorities as trespassers. During non-business hours, concerned residents should report trespassers to the Kendall County Sheriff's Department.
33. No smoking or vaping is permitted at any time.
34. Pets are not permitted in the Pool Area. This rule does not apply to service animals.
35. Do not swim if you have been ill within the past 14 days.
36. Immediately report any pool contamination to the POA.

XI. Community Room – The Community Room is intended for the use of events, meetings and private or community group reservations. Use of the Community Room for any other purposes is subject to Board Approval. The rooms may be reserved through the Association staff. Please refer to the Rental Policy for additional information.

1. Misuse of equipment (TVs, furniture, surround sound equipment, etc.), profane language, fighting, horseplay or other aggressive play, bullying and unwelcoming behavior is prohibited. These behaviors should be reported to Association staff immediately. Such behavior may result in loss of access for a period of time as determined by the Board of Directors.

2. Under no circumstance will open flame grills, fire pits, or smokers of any kind be used in the Community Room.
3. Food and beverages are permitted in the Community Room; however, Facility Users must clean up any trash or debris caused by the food or beverages.
4. Residents and/or Guests under the age of 14 must be accompanied by a Resident that is at least 18 years of age.
5. Pets are not permitted in the Community Room unless as authorized by the Association staff in private or special functions, and only within specially designated areas. This rule does not apply to service animals.
6. Unauthorized Facility Users will be asked to immediately vacate the premises and may be reported to the local authorities as trespassers. During non-business hours, concerned residents should report trespassers to the Kendall County Sheriff's Department.
7. Personal sound-producing equipment that disrupts others is prohibited. Facility Users may use personal stereo devices that emit sound levels that do not disturb others, if a complaint is brought to the Association staff's attention that Facility User will be asked to either use headphones or turn off their device.
8. Proper attire and shoes must be worn at all times by all Facility Users including children.
9. No smoking or vaping is permitted at any time.

XII. Roca Loca Lawn – a private facility for all Facility Users.

1. Hours are 8 am – 10 pm.
2. Use is first come, first served for Club Members & accompanied guests.
3. Trash must be collected upon departure.
4. No glass containers.
5. No loud music unless associated with an approved event.
6. Use of bandstand and firepit must be authorized by the HOA Lifestyle Coordinator.
7. The fire pit must be secured (locked) after each use.
8. Please clean off table after use.
9. Bicycles, skateboards, and skates are not allowed inside The Lawn.
10. Do not prop gates open to The Club.
11. The Lawn is under 24-hour surveillance.
12. Restrooms are available in the Community Room.
13. Grills must be attended at all times. Clean grilling area and do not dump charcoal. Management reserves the right to restrict grills on the lawn at any time.
14. No smoking or vaping is permitted at any time.
15. No organized sports practices or games of any character may be held at The Lawn.
16. Bounce houses are not permitted on The Lawn.

17. Any violations are subject to fines and/or loss of Club privileges at the sole discretion of the HOA Management.

XIII. Roca Loca Beach Volleyball – a private facility for all Facility Users.

1. Hours are 8 am – dusk.
2. The courts are for the use of Club Members and their accompanied guests. A Club Member must be present at all times.
3. Maximum play time is 1 hour if other members and guests are waiting to use the courts.
4. Please use good sportsmanship at all times.
5. These courts are operated on a first come, first served basis. Reservations are not accepted and holding a court to prevent other members and their accompanied guests from playing is not allowed.
6. No abusive use of the equipment and/or courts.
7. No climbing/hanging on the poles or nets.
8. No abusive language, threatening conduct, excessive noise, or loud music allowed.
9. No loitering or littering allowed.
10. No relocating of sand outside of the courts.
11. No glass or other breakable items are allowed on the courts.
12. No food or drink is allowed on the courts.
13. Please pick up your trash and deposit in the proper receptacles.
14. The courts are not a sandbox – no children are allowed on the courts unless playing a game of volleyball.
15. The courts may only be used for volleyball games.
16. No pets allowed on or near the courts.
17. No smoking or vaping is permitted at any time.
18. No consumption of alcohol is allowed unless specifically approved in advance in writing by the Association during sanctioned HOA events.
19. Rakes and shovels will be provided by the Association and must remain at the sand volleyball facility. Please rake the court after use to even out the courts, remove any debris and to keep the sand dry and soft.
20. Play at your own risk. In the event of an accident or injury, call 911 immediately. The Association and the management company are not responsible for any accident or injury.
21. The HOA and management company assumes no responsibility for the loss, theft, or damage to personal property.
22. Any violations are subject to fines and/or loss of Club privileges at the sole discretion of the HOA.

XIV. Rover Oaks Bark Parque

1. No dogs without people, no people without dogs.
2. Always watch your dogs. Discourage barking and digging. If your dog digs a hole, fill it in. Watch for signs of aggression.
3. Pick up and properly dispose of dog poop. Violators will be banned from the Parque and/or fined. Video monitored.
4. Bring children at your own risk. Children under 10 must be accompanied by an adult.
5. Owners are responsible for all injuries caused by their dog. If your dog gets in a fight, exchange contact information and leave the facility.
6. No dogs in heat.

7. All dogs must wear a collar with an Esperanza Identity tag and owners must carry a leash.
8. No glass containers. Use caution and judgement when bringing food to the Parque.
9. Please segregate dogs by size. No puppies under four months old.
10. Hours: Dawn to Dusk.

XV. Roca Loca Forest – a private facility for all Facility Users.

1. Use the playground at your own risk.
2. No glass, bottle, or alcoholic beverages allowed.
3. Reserved for residents only.
4. Children under the age of 12 must be accompanied by an adult.
5. Slide feet first on all slides. Only one person at a time on each slide. No walking or climbing up the slide. No Jumping off the slide.
6. No bicycles allowed in the park.
7. No dogs allowed in the park.
8. Proper footwear is required.
9. No rough play, bullying, or yelling permitted in the park.
10. Please clean up after yourself.
11. Parents are responsible for determining what playground features are appropriate for the age of their children.
12. Report any maintenance issues to the Management Company.

XVI. Trails – a private facility for all Facility Users.

1. Trails may be paved or unpaved and may be built in native areas that lie in flood prone areas or on steep topography. During and after inclement weather, trails may be impassible due to fast moving water, standing water or mud. During such conditions, the trails may be too hazardous to use, and therefore, trails may not be usable at all times. The trails are not intended to be available for use at all times, especially during and after wet and inclement weather conditions. Additionally, portions of Esperanza may contain potentially dangerous wildlife, including (without limitation) poisonous snakes, coyotes, and other wild animals. From time to time, such dangerous wildlife may be encountered on the trails, and extreme caution should be exercised in such an event. Certain trails may also function as maintenance, secondary or emergency access roads and the use of those trails for that purpose is authorized and may interfere with Facility Users' use of the trails. There are no patrols conducted on the trails – use the trails at your own risk. The Association will not assume any liability, responsibility or obligation of any kind or nature, in connection with use of the trails within Esperanza.
2. The trails are for Esperanza residents and their guests. Guests must be accompanied by a Resident at all times while using the trails.
3. No motorized vehicles are allowed on the trails, unless approved in writing by the Association.
4. Except for use of the nature and biking trail system owned by the Association, access to, or the use of all areas outside of the existing developed portions of Esperanza is strictly prohibited.

XVII. Conflict

In the event of any conflict between these Rules and the Declaration, the Declaration shall control. In the event of any conflict between these Rules and the Bylaws, the Bylaws shall control. This is not necessarily an exhaustive list of all policies, procedures, and rules associated with The Club At Esperanza and Esperanza Common Areas. While this is intended to be an accurate reflection of all procedures, management reserves the right to revise any policies, rules, schedules, etc. as circumstances change (e.g. emergencies, change in personnel, workload, community issues, etc.).

Kendall County
Denise Maxwell
Kendall County
Clerk

Instrument Number: 388559

eRecording - Real Property

RESOLUTION

Recorded On: April 29, 2024 10:31 AM

Number of Pages: 21

" Examined and Charged as Follows: "

Total Recording: \$101.00

***** 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.

File Information:

Document Number: 388559
Receipt Number: 20240429000017
Recorded Date/Time: April 29, 2024 10:31 AM
User: Grace O
Station: cclerk07

Record and Return To:

ERECORDING PARTNERS
101 W NUEVA

SAN ANTONIO TX



STATE OF TEXAS
COUNTY OF

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Kendall County, Texas.

Denise Maxwell
Kendall County Clerk
Kendall County, TX

Denise Maxwell