

STATE OF TEXAS §

COUNTY OF COMAL §

**AMENDMENT OF RULES AND REGULATIONS
OF
LANTANA RIDGE PROPERTY OWNERS ASSOCIATION, INC.
(regarding Oak Wilt)**

Document reference. Reference is hereby made to that certain Declaration of Covenants, Conditions and Restrictions, filed as Document No. 200006021697 in the Official Records of Comal County, Texas, and that certain Amended and Restated Declaration of Covenants Conditions and Restrictions for Lantana Ridge Unit 6, filed as Document No. 200506010772 in the Official Records of Comal County, Texas (cumulatively and together with all annexation documents, amendments and supplemental documents thereto, and all other similar documents filed of record applicable to other land subject to mandatory membership in the Association, the “**Declaration**”).

Reference is further made to the By-Laws of Lantana Ridge Unit 1 Property Owners Association, Inc., attached as Exhibit “A” to that certain Notice of Bylaws and Amended Rules for Lantana Ridge Property Owners Association, Inc., filed as Document No. 200806011173; and to that certain Amendment to Bylaws of Lantana Ridge Property Owners Association, Inc., filed as Document No. 201006030709, both in the Official Public Records of Comal County, Texas (together with all amendments thereto, the “**Bylaws**”).

Reference is further made to the policies and rules attached to Document No. 200506022742 in the Official Records of Comal County, Texas; the Rules and Regulations attached to Document No. 200606013903; the Amendment to Policy for Deed Restriction Violations, Lantana Ridge Property Owners Association, Inc., filed as Document No. 200706025347; the Pet Rules attached to Document No. 200806011173; the Amendment to Rules of Lantana Ridge Property Owners Association, Inc., filed as Document No. 201006039360; a further amendment filed in Document No. 201206038258; and the Amendment of Rules and Regulations of Lantana Ridge Property Owners Association, Inc. filed in Document No. 201606027863, all in the Official Public Records of Comal County, Texas (cumulatively and together with any amendments or supplements, the “**Rules**”).

WHEREAS the Declaration provides that owners of lots subject to the Declaration are automatically made members of Lantana Ridge Property Owners Association, Inc. (the “**Association**”);

WHEREAS the Association, acting through its board of directors (the “**Board**”), is authorized to adopt and amend rules and regulations governing the property subject to the Declaration and the operations of the Association pursuant to Article Five, Section 4(j) of the Bylaws and/or State law, and has previously adopted the Rules; and

WHEREAS the Board has voted to adopt the additional Rules attached as Exhibit "A" to supplement the previously-adopted Rules;

THEREFORE the additional Rules attached as Exhibit "A" have been, and by these presents are, ADOPTED and APPROVED.

Subject solely to the amendments contained in Exhibit "A", the Rules remain in full force and effect.

LANTANA RIDGE PROPERTY OWNERS ASSOCIATION, INC.
Acting by and through its Board of Directors

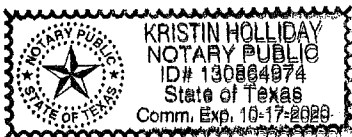
Signature: 
Printed Name: Shelly Wahl
Title: President

Exhibit "A": Oak Wilt Policy

Acknowledgement

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COUNTY OF Comal §

This instrument was executed before me on the 24th day of January, 2018, by Shelly Wahl in the capacity stated above.



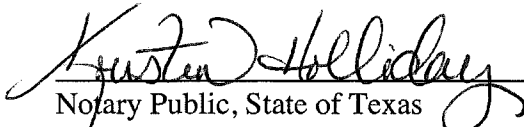

Notary Public, State of Texas

EXHIBIT "A"

SECTION XVII. OAK WILT POLICY

1. Monitoring and Management of Oak Wilt. Unless treated, oak wilt can eventually kill all live oaks, red oaks, and Spanish oaks in a given area. The Association may in its discretion monitor oak wilt throughout the Subdivision on an ongoing basis and, as appropriate, consult with a certified arborist or similar expert about how best to contain the spread of oak wilt throughout the Subdivision.
2. Remedial Action Generally. Should a certified arborist or similar expert deliver to the Association at Association request a written report recommending that particular steps be taken to prevent the spread of oak wilt within the Subdivision (the "Oak Wilt Plan"), the Oak Wilt Plan shall be submitted to a second certified arborist or similar professional for review and confirmation that such expert agrees with the need and appropriateness of the remedial actions set forth in the Oak Wilt Plan. Any remedial actions in the Oak Wilt Plan that are confirmed as necessary and appropriate shall be taken by the appropriate parties, as set forth below.
3. Remedial Action for Common Areas. If the Oak Wilt Plan suggests remedial action for Common Areas, the Association shall ensure that such remedial action is taken in a timely manner, and the costs of such remedial action shall be borne by the Association.
4. Remedial Action for Lots – Notice to owners and election as to whether owner or Association will perform and pay for work. If the Oak Wilt Plan suggests remedial action be taken on one or more Lots, the Association shall deliver notice to the owner of any such Lot. Such notice shall be in writing and include a copy of the Oak Wilt Plan. The notice shall require that the owner, within 30 days of the date of the notice, elect in writing either (i) to complete the required remedial action, and to provide to the Association written confirmation by a certified arborist or similar professional that such remedial actions have been completed, within 90 days of the date of the notice at the sole cost and expense of the owner, or (ii) to have the Association complete the required remedial action at the sole cost and expense of the Association.
5. Failure to Take Action. A Lot owner shall be deemed to have violated his maintenance responsibilities with regard to oak wilt management if the owner (i) fails to make a written election under Section 4 above within the stated 30-day period, or (ii) timely elects to perform the required work on his Lot on his own account but fails to complete the work and deliver the required certification of completion within the 90-day period set forth in Section above. In such instances, the Association shall be authorized to enter upon the Lot and perform and/or finish the required remedial actions, as further provided in Section 6 below.

6. Remedial Action for Lots Performed by Association; Related Authority and Rights. The Association and its agents shall be authorized to enter upon a Lot and to perform any remedial action suggested under the Oak Wilt Plan if the Lot owner elects to have the Association perform such work under Section 4 above, or if the Lot owner fails to take action, as outlined in Section 5 above. All such work shall be done at the expense of the Association.

In conjunction with any such remedial action on a Lot performed by the Association, the Association shall have the authority to take whatever actions are reasonably necessary to complete the suggested remedial action, including but not limited to the right to treat trees with fungicide, dig containment trenches, and/or remove infected red oak trees from Lots, except that no tree shall be removed from a Lot unless at least two certified arborists or similar experts have advised that it be removed. In the event that the Association elects to trench across a Lot, the Association, in consultation with a certified arborist or similar expert, shall take reasonable steps to ensure that the trench is located in a manner that minimizes potential damage to the root systems of neighboring trees. The foregoing notwithstanding, the Association shall have no liability for any such damage should it occur. The Association shall restore trenched areas and affected improvements (e.g., sidewalks, driveways, etc.) in a timely manner, except that it shall have no obligation to re-sod affected yard areas.

7. Owners May Not Prune February through June. Research has shown that oak wilt is at the highest risk for transfer in the spring. In order to prevent the spread of oak wilt, **oak tree pruning is prohibited from February 1st through June 30th each year.** Owners may request permission from the Board to prune during the months of February, March, April, May, and June. Owners may not prune trees during the months of February through June without the prior written approval of the Board. The Board, in its discretion, may allow owners to prune oak trees during the spring for the following reasons:
 - a. To accommodate public safety concerns such as hazardous limbs, traffic visibility or emergency line clearance;
 - b. To repair damaged limbs such as from storms;
 - c. To remove limbs rubbing on a building or on other branches;
 - d. To remove trees or limbs on sites where construction takes precedence;
 - e. Dead branch removal where live tissue is not exposed; or
 - f. In accordance with an Oak Wilt Plan under Paragraph 4, above.
8. Painting Wounds. Owners must paint fresh wounds on oaks, including pruning cuts and stumps, with wound dressing or latex paint immediately after pruning at all times of the year. Additionally, it is recommended that pruning tools and blades be sterilized prior to and in between cutting any oak trees as a precaution.
9. Firewood. Firewood originating from oak trees must be stored away from healthy trees to prevent the spread of the disease. It is recommended that

the firewood be covered and sealed in clear plastic to prevent disease-baring insects from escaping.

10. Violations of this Policy. Notwithstanding other provisions of these rules to the contrary, owners who violate Paragraphs 7 - 9 of this Oak Wilt Policy will be subject to an immediate \$250 fine per violation. Each tree cut in violation of this policy will be considered a separate violation. For repeat violations of this policy (trimming trees out of season without permission on multiple occasions), the fines shall escalate in \$250 increments, and each tree that is cut may be considered a separate violation. The association's managing agent shall have the authority and, absent board resolution otherwise on a case-by-case basis, is directed to send all notices as required by law and implement/levy these fines for violations of this nature.

After recording, please return to:

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Austin, Texas 78701

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