

**AFFIDAVIT IN COMPLIANCE WITH TEX. PROP. CODE § 202.006**

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

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

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

I am the President of Mission Trace Homeowners Association, a Texas non-profit corporation (the “Association”). I am also a 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 and described as:

That certain subdivision known as Mission Trace Subdivision, being the property identified and referenced in the Declaration of Covenants and Restrictions, recorded in Volume 6991, Page 193 of the Official Public Records of Bexar County, Texas, together with all amendments, supplements and annexations thereto.

Attached hereto are the originals of, or true and correct copies of, the following dedicatory instruments, including known amendments or supplements thereto, governing the Association, which instruments have not previously been recorded:

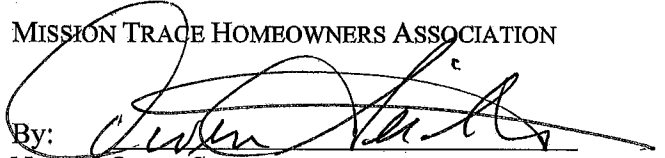
*Mission Trace Homeowners Association  
Architectural Standards  
Revised 1-16-2022*

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:

Mission Trace Homeowners Association  
11333 Mission Trace  
San Antonio, Texas 78230  
Phone: 210-696-7164  
Email: missiontracehoa@gmail.com

SIGNED on this the 10<sup>th</sup> day of February 2022.

MISSION TRACE HOMEOWNERS ASSOCIATION

By: 

Name: OWEN SEIDENBERGER

Its: President

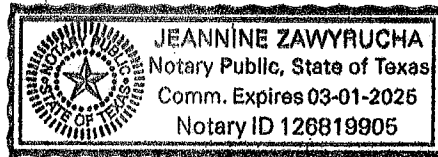
ACKNOWLEDGMENT

THE STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR           §

BEFORE ME, the undersigned authority, on this day personally appeared OWEN SEIDENBERGER, President of the MISSION TRACE 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 10<sup>th</sup> day of February 2022.

  
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



## ARCHITECTURAL STANDARDS

Revised 1-16-2022

**Standards: are established for use as a rule or basis of comparison in measuring of judging capacity, quantity, content, extend, value, quality, etc.**

The Mission Trace Architectural Standards were developed by the Architectural Review Committee (ARC) according to the guidelines and parameters established in the Declaration of Covenants and Restrictions, along with input from homeowners and approval by the HOA Board of Directors.

The Mission Trace Architectural Standards are reviewed and revised as needed with input from homeowners, the Architectural Review Committee, and the HOA Board. If you have suggestions for revisions, please email the office at [missiontracehoa@gmail.com](mailto:missiontracehoa@gmail.com) or bring your input in writing to the HOA Office.

	<b>Table of Contents – Standard Area</b>	<b>Page</b>
1.	Driveway/Sidewalk (General Maintenance and Cleanliness)	3
2.	Exterior Paint (Approved Colors)	3
3.	Exterior Repair/Replacements	3
4.	Exterior Outside Wall Home Lights	4
5.	Exterior Walls/Fencing	4
6.	Exterior Wooden Structures or Visible Patios/Decks	5
7.	Garage Doors	5
8.	Gates	6
9.	Gutters/Downspouts	6
10.	Mailboxes	7
11.	Roof: (colors and composition) Tile and Flat	7
12.	Siding (colors and materials)	8
13.	Window Specifications	8
14.	Solar Energy Devices	9
15.	Other	10
	<ul style="list-style-type: none"> <li>• Awnings (are not approved). Standards are included for the few remaining that were “grandfathered.”</li> </ul>	10
	<ul style="list-style-type: none"> <li>• Glass Bricks (are not approved). Standard is included for the few that were in place prior to these Standards.</li> </ul>	11
	<ul style="list-style-type: none"> <li>• Antennas and Satellite Dishes</li> </ul>	11
	<ul style="list-style-type: none"> <li>• Holiday Décor</li> </ul>	11
	<ul style="list-style-type: none"> <li>• Window Mounted Air Conditioners</li> </ul>	11
	<ul style="list-style-type: none"> <li>• Electric Generators</li> </ul>	11

## Architectural Work Request Form Requirements

**Any** exterior change, repair or home improvement must be reviewed and approved by the HOA Architectural Review Committee (ARC) before any work begins.

Routine maintenance such as power washing or touch-up painting does not require a work request.

The homeowner must submit to the ARC an Architectural Work Request Form that outlines the scope of work desired. The submission should be detailed in terms of the type of work, materials to be used, colors, etc. Photos of the proposed work will be beneficial and will help expedite the review process. Some work requests may require permits by the City of San Antonio and are the responsibility of the Homeowner.

Architectural Work Requests may be submitted online or in hard copy. Forms are available at the office or on the Mission Trace website, [www.missiontracehoa.org](http://www.missiontracehoa.org).

Any home repair or improvement projects not addressed in the standards must also be submitted on an Architectural Work Request Form and submitted to the Architectural Review Committee for review and consideration prior to beginning any work.

All Architectural Work Requests should be submitted to the ARC at least two weeks before the anticipated commencement of the Work to allow for timely review by the committee. This will allow the homeowner to make any revisions requested by the committee prior to final approval. The ARC will review all requests as quickly as possible and will render a decision and issue a formal Letter of Response to the Homeowner. Architectural Work Requests that are approved with condition/stipulations or are denied by the Architectural Review Committee may be brought before the Board of Directors for appeal within 30 days of such notice as required by Texas Property Code 209.007 and 209.00505 pursuant to the Mission Trace Association Board Hearing Policy, which is available on the Mission Trace website, [www.missiontracehoa.org](http://www.missiontracehoa.org).

The homeowner has 6 calendar months to commence the approved work and 12 calendar months from the Letter of Approval date to **complete** the approved work. Work not meeting these time constraints must be resubmitted for approval.

Exterior repair or home improvement that is started without ARC approval is a violation of the HOA Covenants and is subject to legal action that can involve cessation of work, removal of any work started and/or a fine. Homeowners performing unapproved work are liable for legal costs associated with HOA action.

Changes to these standards require approval of the Mission Trace HOA Board of Directors.

## General Guidelines

- a. Any addition or modification that would cause a privacy intrusion on a neighbor will not be allowed
- b. Approval will not be granted for any new structures or protrusions onto Common Ground.

### 1. Driveway/Sidewalk General Maintenance

- a. It is the Homeowner's responsibility for general maintenance of their driveways (i.e., if the driveway is molded or slippery with any coating and the Homeowner desires the driveway to be cleaned (power washed), it is the Homeowner's responsibility for said maintenance).
- b. If Homeowner maintenance is required on anything under the driveway/sidewalk area (plumbing, utilities such as water, gas, sewer, etc.), it is the responsibility of the Homeowner to repair or ensure repairs are done for any damage done to the driveway/sidewalk upon completion of any maintenance underneath it.

### 2. Exterior Paint

- a. A selection of approved pastel and dark colors are available in the HOA office or on the Mission Trace website, [www.missiontracehoa.org](http://www.missiontracehoa.org). **These are the only colors that may be used.**
- b. The garage door must be painted with an approved color.
- c. Trim may be of the same or at most one (1) additional approved color.
- d. Front doors may be maintained natural wood color (varnished) or painted an approved color.
- e. Exterior brick may not be painted.

### 3. Exterior Repair/Replacements

- a. Repairs are anything less than 50 percent of the total wall surface of the home. If the percentage of repair is in question, the Architectural Control Committee will make the final determination.

- b. Repaired exterior wall surfaces must be repainted with the current color of the home. The complete exterior wall surface must be repainted with an approved HOA color.
- c. A repair of fifty percent (50%) or more is classified as a complete resurfacing and therefore **requires** painting of the entire wall surface with one of the approved HOA wall exterior colors.

#### 4. Exterior Outside Wall Home Lights

- a. To maintain the Spanish motif of Mission Trace, the Spanish tile light fixture that has been in use since Mission Trace's inception **may not be replaced** with a different fixture. Information about obtaining these light fixtures is available in the Mission Trace HOA office.
- b. All use of **flood lights** must be pre-approved. An Architectural Work Request Form must be submitted, and approval must be given by the Mission Trace HOA Board prior to placement. All flood lights must be of low wattage and pointed downward or toward the home to maintain the soft light ambiance of the neighborhood.

#### 5. Exterior Walls/Fencing

- a. All exterior walls/fences including but not limited to the decorative walls, utility enclosures, and patio walls are the responsibility of the homeowner.
- b. All exterior walls/fences must be structurally sound, in good repair and kept clean.
- c. Perimeter walls are special cases of exterior walls and are the responsibility of the homeowner. (Some exceptions exist, and information is available at the HOA office). The following standards apply to perimeter walls:
  - Perimeter walls shall be inspected by the MT controlled Access Committee on a semiannual basis. More frequent and specific inspections will be conducted as needed (severe storms, tornadoes, etc.).
  - Changes, revisions, or additions to the perimeter fencing must be approved, in writing, by the Board after review by the ARC before any work is started.
  - **Repair** of any currently existing perimeter wall will be with like materials. (Repair is less than 50% of the length of the wall.)

- Approved replacement products of a perimeter wall are Mission Trace standard brick (Mexican brick), concrete block or Vertical Cedar Board (S4S) on steel posts.
- Fences shall not be higher than six (6) feet. The ARC or Board may approve fencing up to eight (8) feet tall in areas where objectionable development exists on the other side. Fences/walls in excess of six (6) foot height may require city approval.
- Cedar board fencing shall be constructed such that the smooth surface of the fence faces the outside of the property. Support poles and cross beams shall be facing the owner's property as a security necessity.
- Perimeter fencing shall be continuous and will not have a gate to the exterior of the property.
- The fence shall be on the property line.

#### **6. Exterior Wooden Structures on Patios or Decks visible from the outside**

- a. Wooden pergolas may be constructed within patios. Other than the standard open design of a pergola, any covering must comply with existing roof requirement
- b. All currently constructed wooden structures must be maintained by the Homeowner to prevent rotting.
- c. The Homeowner may use a wood sealer, a natural wood stain or an approved paint color. A list of approved colors is available from the Office Manager or on the Mission Trace website, [www.missiontracehoa.org](http://www.missiontracehoa.org).

#### **7. Garage Doors**

- a. Garage doors must be kept in good repair.
- b. Garage doors must be clear of any obstacle in order to close completely.
- c. Garage door replacement **must** be approved by the Architectural Review Committee and be constructed preferably of metal but may be constructed of wood.
- d. The design must continue with the Mission Trace design of garage doors (i.e. solid without windows or doors).

## 8. Gates

- a) Gates must be maintained by the Homeowner. If a gate is shared with a neighbor, the adjoining Homeowners are equally responsible for its maintenance.
- b) Homeowners are expected to keep the gate in good repair and painted/sealed/stained as necessary.
- c) Entryway Gates:
  - i) Entryway Gates are not required. However, when in place they must be well maintained and present a pleasing "curb appeal".
  - ii) Entry gates may be or metal or wood material and may be of an open or solid construction, and be of a style that continues the Spanish motif of Mission Trace
  - iii) The height of Entry Gates is to be within 12 inches of the height of the adjoining walls.
  - iv) Entry gates are to be painted Black, Bronze, or Dark Brown in color.
- d) Back or Side Patio Gates:
  - i) Patio gates may be or metal or wood material and may be of an open or solid construction and be of a style that continues the Spanish motif of Mission Trace
  - ii) Patio gates are to be painted in a color consistent with the adjoining walls and/or fences.
- e) Utility Gates:
  - i) Utility gates are required to hide the service entrance and meters for public utilities. They are typically of wood material and of solid construction to accomplish this purpose.
  - ii) Homeowners are expected to maintain these gates in good repair, Utility Gates are to be painted in a color consistent with the adjoining walls and/or fences.
  - iii) Utility gates are to have a non-Locking Latch in order to allow public utility personnel, meter readers, fire department if necessary full-time access.

## 9. Gutters/Downspouts

- a. Gutters/Downspouts must be maintained in good repair and attached to the house or removed from the roof.
- b. Gutters/Downspouts must be kept clear of leaves and debris.
- c. Gutters must be painted the same color as the trim of the house.
- d. Downspouts must be painted to match the wall to which it is attached.



- e. Splash pads must be of concrete or plastic, designed to drain water away from the building.

## 10. Mailboxes

- a. Mailboxes are supplied by the HOA
- b. Mailbox post/framework must be kept cleaned and sealed. .
- c. For repairs to a mailbox or mailbox post/framework, contact the HOA office.

## 11. Roofing

### Tile Roofing Materials

- a. Tile roofing materials will be made from a clay or cement material.
- b. Repair of roof tiles must be with a tile matching the existing color and style.
- c. Roof tiles shall be with the HOA approved tile. **Current required replacement tile is Crown Tuscany Mission Terra Cotta concrete roof tile. No other material is routinely approved. Any variance from this requirement must be ARC approved.**
- d. No flat metal or plastic roofing materials are approved for pitched roofs.
- e. Metal corner and edge flashing is required and must be painted the same color as the trim.

### Flat Roofing Materials

- a. Modified Bitumen, TPO and PVC products are approved for replacement of flat roofs. Other products may be considered for approval by the ARC on an individual basis.
- b. If a reinforced membrane material (TPO or PVC) is to be used, a standard **Tan or White** color is required.
- c. All edges of the membrane shall terminate at a metal drip edge and be properly flashed. Metal drip edges shall match existing adjacent surface color. In addition, if gutters are installed, gutters shall match drip edge and fascia colors.

- d. Membrane edges used as flashing that wrap up siding, stucco, brick, chimneys, skylights, or similar surfaces shall be finished with painted termination bars. Metal flashing and exposed roofing membrane shall be finished to match existing adjacent surface color.

## 12. Siding

- a. Materials approved: T111 Plywood, Hardie Panel and Stucco.
- b. Vertical grooves are required for T111, Hardie Panel.
- c. Four (4) inch groove centers are preferred. Maximum eight (8) inch groove centers may be used.
- d. Fascia board must be of 2x12 cedar. ARC may approve 2x10 cedar if it matches current fascia on home.
- e. Fascia must be painted to match the siding or trim approved color of the house.

## 13. Window Specification

- a. Grill patterns on any windows facing the street or neighbors' homes must be dark (brown, black) or neutral (bronze, beige) in color, not white. Those homes that have white grill windowpane patterns are grandfathered, but no new white grills will be accepted.
- b. Window frame color should be dark (brown, black) or neutral (bronze, beige), not white. Those homes that have white frames are grandfathered, but no new white frames will be accepted. All windows on the same wall of a given home are to be of the same window frame color and style.
- c. Glass options allowed are clear or tinted sun control (brown). No other glass color will be accepted or grandfathered and must be replaced by the Homeowner upon notification from the Architectural Review Committee.
- d. Energy-saving window film can be used but must be non-reflective or slightly tinted (brown). No other type of film will be accepted. Window film must be in good repair.
- e. Window screens should be dark (brown, black) and in good repair. Ripped or torn screens should be repaired upon notification from the Architectural Review Committee.

- f. No foil or reflective material shall be used on any windows at any time. Any foil or reflective material in use now must be removed by the homeowner upon notification from the Architectural Review Committee.
- g. All windows that are double paned and lose their seal (fogged) shall be repaired upon notification from the Architectural Review Committee.
- h. Any window replacements or additions must be approved by the Architectural Review Committee in writing.

#### 14. Solar Energy Devices

(This Solar Energy Devices Policy of the MISSION TRACE HOMEOWNERS ASSOCIATION was duly adopted on the 11th day of November\_2020, setting forth certain policies of the Association in connection with the management of the Association and the property known as Mission Trace Subdivision. Please refer to Mission Trace Homeowners Association Solar Energy Devices posted on the missiontracehoa.org website for full details as required by TEX. PROP. CODE § 202.006.)

- a. **Approved Locations.** Subject to the following requirements, an Owner or resident shall be allowed to place on Owner's or resident's Lot Solar Energy Devices:
  - 1. on the roof of a main residential dwelling,
  - 2. within a fenced patio of a residential Lot, size permitting; or
  - 3. any other location approved by the Board of Directors, in its sole discretion.
  - 4. All other locations are prohibited.

If the Solar Energy Devices are mounted on a roof, the Solar Energy Devices shall:

- 1. have no portion of the Solar Energy Device higher than the roof section to which it is attached;
- 2. have no portion of the Solar Energy Device extend beyond the perimeter boundary of the roof section to which it is attached;
- 3. conform to the slope of the roof;
- 4. be aligned so the top edge of the Solar Energy Device is parallel to the roof ridge line for the roof section to which it is attached;
- 5. have a frame, brackets and visible piping or wiring that is silver, bronze or black tone commonly available in the marketplace;
- 6. be located in a position on the roof which is least visible from any street or Common Area, so long as such location does not reduce estimated annual energy production more than ten percent (10%) over alternative roof locations (as determined by a publicly available modeling tool provided by the National Renewable Energy Laboratory [[www.nrel.gov](http://www.nrel.gov)] or equivalent entity); and
- 7. be subject to inspection by the Board of Directors or ARC during and after installation, and Owner shall make any corrections, modifications, or repairs if requested by the Board of Directors.

**b. Installation and Maintenance. All Solar Energy Devices:**

1. must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. All necessary permits must be obtained prior to the installation; and
2. the Solar Energy Device must be maintained in good operation and repair. Unused or inoperable solar devices must be removed.

**c. Prior Submittal.** No Solar Energy Device may be installed without the prior approval of the Board of Directors. Any Owner or resident desiring to install a Solar Energy Device must submit a written request to the Board of Directors for approval. Submittal forms can be obtained from the Board of Directors or, if applicable, the management company under the most current management certificate filed of record in the Official Records of Bexar County, Texas. Failure to submit may result in the Owner or resident having to modify, relocate, or remove the unapproved Solar Energy Device.

The Board of Directors may withhold approval if the Owner or resident does not comply with the requirements of this Solar Energy Devices Policy or otherwise comply with TEX. PROP. CODE § 202.010; as it may be amended, restated or replaced from time to time, or if the Board of Directors determines in writing that placement of the device as proposed by the Property Owner or resident constitutes a condition that substantially interferes with the use and enjoyment by the neighbors of their Lot by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The requesting Owner or resident may provide the written approval of the proposed placement of the device by all Property Owners of adjoining Lots to the requesting Owner's or resident's Lot, which written consent shall constitute prima fade evidence that such a condition does not exist.

**d. Prohibited Installation.** Installation of Solar Energy Devices may be prohibited:

- 1) If the roof is structurally unsound and will not support the weight of the solar panels and will cause damage to Owner's roof or any adjacent roofs; or
- 2) by the Board of Directors if the Solar Energy Device has been adjudicated by a court: to threaten the public health or safety; or to violate an applicable federal, state, or local law.

**e. Trimming of Trees** – The trimming of trees and shrubbery located on Common Grounds is **strictly prohibited**. Under no circumstance are trees and/or shrubbery to be trimmed, cut, pruned, or altered in any way, for any reason. Particularly pertaining to this section, in an interest to reduce shading on a Solar Energy Device.

**15. Other**

a. **Awnings** are non-standard and not permitted. Awnings that were in place prior to these standards (February 2011) being approved by the Mission Trace Board of Directors are grandfathered, however these awnings are governed by the following standards:

- Plastic materials are not approved.

- Awning colors must closely match that of the exterior approved paint colors.
  - Awnings must be permanently mounted to the exterior of the house.
  - Awnings must be maintained in good repair (no holes or frayed edges) or upon request will either be completely removed or repaired. If necessary, the HOA will remove the awning and charge the Homeowner for the cost of removal and a maintenance fee.
  - Awnings will be kept clean. Canvas materials will be kept free of mildew.
- b. Glass Bricks** are non-standard and are not allowed. Those glass bricks in place prior to these standards are to be maintained (i.e., kept clean and in good condition).
- c. Antennae and Satellite Dishes:** FCC regulations allow homeowners to install antennas or satellite dishes necessary for reception of programming. Understanding that placement is key for proper reception, the Homeowner is encouraged to place these devices in the **least** visible location on roof or chimney when possible, provided no additional cost is involved for the Homeowner. Old television antennas or satellite dishes no longer in use must be removed from the roof.
- d. Holiday Décor:** All exterior, attached holiday décor, including lighting, may not be used until 30 days prior to the day being celebrated and must be removed no later than 30 days after the official date of the celebrated holiday.
- e. Window Mounted Air Conditioning Units.** Window mounted air conditioning units are not permitted.
- f. Electric Power Generators.** Installation of Electric Power Generators are not permitted on HOA Common Grounds.
- 1) Electric Power Generators may be permitted on private patios with ARC Review and Approval. An Architectural Work Request must be submitted in advance with the following information:
    - i) Make and Model of the requested generator unit.
    - ii) A sketch illustrating where on the property the generator will be located; including dimensions from the house, the neighbor's house, and any other adjacent public or community property.
    - iii) Dimensions of the actual generator unit and specifications for required clearance spaces around the unit.
    - iv) Fuel type and expected decibel levels when it is operating.

- v) A sketch of any additional electrical panels that will be required; i.e.: at the electrical service meter, or elsewhere on the house wall.
- vi) Sketch of any proposed trenching routes that will be necessary.

**File Information**

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY  
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

**Document Number:** 20220035046  
**Recorded Date:** February 10, 2022  
**Recorded Time:** 3:01 PM  
**Total Pages:** 15  
**Total Fees:** \$78.00

**\*\* THIS PAGE IS PART OF THE DOCUMENT \*\***

**\*\* Do Not Remove \*\***

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 2/10/2022 3:01 PM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk