

**Affidavit**  
**Rocky Creek Maintenance Corporation**  
*(Rocky Creek Ranch Property Owners Association)*

**Deed Restriction Survey, Signature Petition Policy**  
**EFFECTIVE July 15, 2019**

**PURPOSE:** This policy of the Rocky Creek Maintenance Corporation (the “Association”) is to provide direction and set out the method by which members or the Board of Directors shall use when initiating any changes to the Deed Restrictions.

**BACKGROUND:** The Rocky Creek Maintenance Corporation Deed Restrictions affords members of the association an opportunity to amend, delete, or create a new restriction. In order for any Deed Restriction proposal to be adopted by the Association, the proposal needs to satisfy prescribed requirements.

**POLICY:**

- A. Initiating changes to the Deed Restrictions can be accomplished either:
  - (1) By a Board of Directors survey of the entire association where there is at least a 10 percent level of the membership supporting the request to either amend or delete an existing Deed Restriction or create an additional Deed Restriction(s) or:
  - (2) By individuals within the Association, gathering valid signatures totaling at least 10 percent of the membership of the Association to amend or delete an existing Deed Restriction or create an additional Deed Restriction(s)

**METHOD:**

The period to initiate and complete a survey or signature petition will be **120 days**. The beginning date must be clearly indicated on the survey or signature petition. All valid surveys or signature petitions must be submitted to the rules committee no later than **one month (30 days)** before the Annual Meeting, so that sufficient time may be provided to prepare the presentation to inform the association of the upcoming proposed Deed Restriction vote. It is strongly recommended that the petitioner, have the proposed change reviewed by an Attorney.

**Signature Petitions:**

- A. All Signature petitions **must** be submitted on a **Deed Restriction Signature** sheet.
- B. A. All information must be provided by the signer at the time of the signature. Any information missing, unreadable or duplicated will invalidate that specific signature.
- C. All signatures or other marks which the signer is claiming to be his/her signature may be subject to verification.
- D. There is only one signature allowed per membership no matter how many individuals are in the specific membership. There will be no fractional membership signatures.
- E. The proposed Deed Restriction Change on the Deed Restriction Signature sheet may refer to attached sheet.

### **Board of Directors Survey:**

- A. The Board of Directors will choose the preferred method to deliver the survey to the membership. Direct mail, email or any combination shall be used.
- B. The Board of Directors will supply information to the membership indicating how the response can be submitted.
- C. Board Surveys must use a **Deed Restriction Signature sheet** for memberships that would rather respond in person.
- D. All signatures or other marks which the signer is claiming to be his/her signature may be subject to verification.
- E. There is only one survey response allowed per membership no matter how many individuals are in the specific membership. There will be no fractional membership survey responses.
- F. An Electronic Signature is acceptable if the individual emails to RCMC their intention to support the petition and the email address is currently on file with RCMC.

### **Withdrawal of Signature:**

- A. A signature may be withdrawn from a petition or survey authorized to be filed in connection with terminating restrictive covenants, as provided by this section. To withdraw a signature, the signer must request that the signature be withdrawn. To be effective, a withdrawal request must be made on the **Formal Request to Remove Signature** sheet.
  - 1. Be in writing and be signed and acknowledged by the signer of the petition.
  - 2. Be filed with the authority with whom the petition is required to be filed not later than the day before the petition filing deadline, if any; and
  - 3. Be delivered in the form of a copy of the request to the circulator of the petition not later than the date the request is filed or by the effective date of this petition, whichever is later.
- B. A withdrawal request or copy filed or delivered by mail is filed or delivered at the time of its receipt by the appropriate person. The filing of an effective withdrawal request nullifies the signature on the petition and places the signer in the same position as if the signer had not signed the petition.

# Deed Restriction Signature Sheet

**For additional information, please refer to the Deed Restriction Survey Signature Policy**

Initiation date: \_\_\_\_\_

**Proposed Deed Restriction Change: (Attach extra sheet(s), if additional space is required)**

[illegible]

## Print Name

**Signature**

### Street Address

**Lot #**

Email or Phone Number

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface. There is no handwriting or other markings on the paper.

**Proposed Deed Restriction Change: (Attach extra sheet(s), if additional space is required)**

**Proposed Deed Restriction Change: (Attach extra sheet(s), if additional space is required)**

Email or Phone Number

## Formal Request to Remove Signature

Survey Short Title: \_\_\_\_\_

or

Petition Short Title: \_\_\_\_\_

I \_\_\_\_\_ hereby request that my name and Signature  
be removed from the above-named document.

Name

Signature

Date of request

\_\_\_\_\_

Received By: \_\_\_\_\_

*(Print name of receiver)*

Date \_\_\_\_\_

\_\_\_\_\_

*(Signature of Receiver)*

IN WITNESS WHEREOF, the undersigned has executed this certificate on the day of \_\_\_\_\_, 2019.

\_\_\_\_\_

**STATE OF TEXAS**

**COUNTY OF COMAL**

BEFORE ME, the undersigned Notary Public on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, on behalf of said corporation.

This instrument was given to me under my hand and seal of this office this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public Signature