



KELLAR FARMS PROPERTY OWNERS ASSOCIATION, INC.
FLAG DISPLAY POLICY

STATE OF TEXAS §
 §
COUNTY OF BASTROP §

I. PURPOSE

The purpose of this Flag Display Policy (the “*Policy*”) is to provide guidance regarding the display of flags authorized by Texas Property Code 202.012. The Board of Directors (the “*Board*”) of Kellar Farms Property Owners Association, Inc. (the “*Association*”) has determined that it is in the best interest of the Association to establish this Policy regarding the display of flags on property subject to its jurisdiction.

II. APPLICABILITY AND AUTHORITY

The property encumbered by this Policy is that property restricted by the Declaration of Covenants, Conditions, and Restrictions for Kellar Farms, recorded under County Clerk’s File No. 202401500 in the Official Public Records of Bastrop County, Texas, as same has been or may be amended or supplemented from time to time (the “*Declaration*”), and any other property which has been or may be annexed into Kellar Farms and made subject to the authority of the Association.

The capitalized terms used in this Policy are defined in the same manner as set forth in the Declaration and the interpretation provision set forth in the Declaration applies to this Policy, which definitions and interpretation provision are incorporated in this Policy by this reference.

Any reference made in this Policy to approval by the Architectural Review Committee (the “*ARC*”) means prior written approval by the ARC.

Pursuant to the authority granted in Section 202.012 of the Texas Property Code, the Board adopts this Policy, which runs with the land and is binding on all Owners and Lots within the Property. This Policy is effective upon the recording of same. After the effective date, this Policy replaces any previously recorded or implemented policy that addresses the subjects contained in this Policy.

Invalidation of any one or more of the covenants, conditions, restrictions, or provisions contained in this Policy will in no way affect any one of the other covenants, conditions, restrictions, or provisions of this Policy, which remain in full force and effect.

III. FLAG DISPLAY POLICY

The display of flags is permitted under the following parameters:

A. NUMBER OF FLAGPOLES

Owners may have a total of 1 flagpole per Lot.

B. TYPES OF FLAGS

The following flags may be displayed in accordance with this Policy:

1. United States flag
2. Texas flag
3. Official or replica flag of a branch of the United States armed forces

C. TYPE AND LOCATION OF FLAGPOLE

1. The flagpole may be either freestanding or mounted to the residential structure under the following parameters:
 - a. A freestanding flagpole:
 - (i) must not be taller than 20 feet when measured from ground level (including the pole ornamentation);
 - (ii) must be mounted on an appropriate footing;
 - (iii) is subject to ARC approval and all applicable zoning ordinances, easements, and setbacks of record; and
 - (iv) may be placed in either:
 - (a) the back yard (preferred location); or
 - (b) the front yard, if the Lot has a front building setback line with a setback of not less than 15 feet, extending the full width of the Lot between the front Lot line and the front building setback line. If front building setbacks of record are greater than 15 feet, then the greater setbacks will control.
 - b. A flagpole mounted to the residential structure:
 - (i) must be no greater than 5 feet in length; and
 - (ii) may be attached to the front or rear of the residential structure.
2. Owners are prohibited from placing a flagpole within an easement on an Owner's Lot or in a location that encroaches on a setback on an Owner's Lot.
3. Owners are prohibited from locating a flag or flagpole on property owned or maintained by the Association.
4. Owners are prohibited from locating a flag or flagpole on property owned in common by the Members of the Association.

D. MATERIALS, MAINTENANCE, AND ETIQUETTE

1. All flagpoles must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the Dwelling.
2. All flagpoles must be installed per the manufacturer's guidelines.
3. All flags and flagpoles must be properly maintained at all times, including, but not limited to, immediate replacement of faded, frayed, or torn flags and replacement of poles that are scratched, bent, rusted, faded, leaning, or damaged in any way.
4. The size of the flag must be appropriate for the length of the flagpole, and the ARC has sole discretion as to this determination.
5. Flagpole halyards must be securely fastened at all times and may not make noise under any conditions.
6. Telescoping flagpoles may not make noise under any conditions.
7. The United States flag must be displayed in accordance with federal law. Additionally, if more than one flag is displayed along with the United States flag on a flagpole, the United States Flag must be flown above all other flags on such flagpole.
8. The Texas flag must be displayed in accordance with Texas state law.
9. If evening display of the flag is desired, the flag may be lit from the base of the flagpole (maximum of 2 bulbs) with a total of no more than 150 watts. The light must shine directly up at the flag and may not cause any type of light spillover onto adjoining properties. All exterior lighting must be submitted to the ARC for prior approval.
10. Flags must be attached to a flagpole in order to be displayed.
11. A flagpole mounted to the residential structure must be removed from view when no flag is displayed.

IV. ARC APPROVAL

A. MOUNTED FLAGPOLES

A flagpole mounted to a residential structure does not require approval from the ARC if it complies with the terms of this Policy.

B. FREESTANDING FLAGPOLES

1. Freestanding flagpoles require prior written approval from the ARC. Completed applications must be submitted to the ARC in accordance with the following:

- a. If a back yard location is desired, an application must be submitted with a copy of the applicable plat or survey showing the proposed location of the freestanding flagpole, along with pictures showing the location of the improvement and the manufacturer's brochures or a sample of material, if applicable;
- b. If a front yard location is desired, an application must be submitted with a copy of the applicable plat or survey indicating the front lot line, front building setback line, and proposed location of the freestanding flagpole, along with pictures showing the location of the improvement and the manufacturer's brochures or a sample of material, if applicable;
- c. Locations closer to the Dwelling are typically preferred; and
- d. Regardless of desired location, the color of the materials being used in relation to house color, the location of the flagpole in relation to the Dwelling, and any noise created are of specific concern.

Any installation not in compliance with this Policy is considered a violation of the Dedicatory Instruments governing the Property.

This Flag Display Policy does not apply to property that is owned or maintained by the Association.

[SIGNATURE PAGE FOLLOWS]

CERTIFICATION

I certify that, as President of Kellar Farms Property Owners Association, Inc., the foregoing Flag Display Policy was approved on the 5th day of February, 2024, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 5th day of February, 2024.

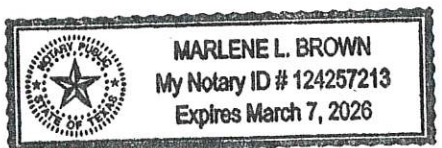
By: [Signature]
Print Name: Perry Senn
Title: President

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, on this day personally appeared Perry Senn, the President of Kellar Farms Property Owners Association, Inc., known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and in the capacity expressed in this instrument, and as the act and deed of said corporation.

Given under my hand and seal this the 5th day of February, 2024.

[Signature]
Notary Public – State of Texas



**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**



[Signature]
KRISTA BARTSCH, County Clerk

Bastrop Texas

February 08, 2024 04:29:12 PM

FEE: \$41.00

RESTRICTION

202401960

After Recording, Return To:
Lisa L. Gambrell
Isabella L. Vickers
Roberts Markel Weinberg Butler Hailey PC
2800 Post Oak Blvd., 57th Floor
Houston, Texas 77056