

Upon Recording Return To:

ROBERT D. BURTON, ESQ.
WINSTEAD PC
401 CONGRESS AVENUE, SUITE 2100
AUSTIN, TEXAS 78701

CORDILLERA RANCH
FIRST SUPPLEMENT TO COMMUNITY MANUAL

The undersigned hereby certifies that he/she is the duly elected, qualified and acting President of Cordillera Ranch Property Owners Association, Inc., a Texas nonprofit corporation (the "Association"), and that this is a true and correct copy of the current First Supplement to Community Manual of the Association adopted and approved by a majority of the Board of Directors of the Association, being Charles Hill, David Hill, and H.M. Northington, pursuant to a duly called special meeting of the Board of Directors of the Association on April 17, 2015.

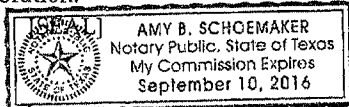
IN WITNESS WHEREOF, the undersigned has executed this certificate on the 29 day of April, 2015.

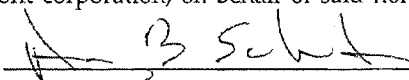


David A. Hill, President

STATE OF TEXAS §
 §
COUNTY OF Kendall §

This instrument was acknowledged before me on 29 day of April, 2015, by David A. Hill, the President of _____ Cordillera Ranch Property Owners Association, Inc., a Texas nonprofit corporation, on behalf of said nonprofit corporation.





Notary Public Signature

Cross-reference to Master Declaration of Covenants, Conditions, and Restrictions for Cordillera Ranch recorded under Document No. 0115243 of the Official Public Records of Kendall County, Texas, as amended, and that certain Community Manual for Cordillera Ranch recorded under Document No. 00262472, Official Public Records of Kendall County, Texas, as supplemented.

In the event of a conflict between any policies adopted by the Board prior to the effective date of this instrument, the terms and provisions of this instrument shall control.

CORDILLERA RANCH
SUPPLEMENT TO COMMUNITY MANUAL
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ATTACHMENT 16

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OAK WILT POLICY

PLEASE NOTE THAT THE POLICIES AND PROCEDURES CONTAINED HEREIN DO NOT CONSTITUTE THE ENTIRE SET OF RESTRICTIONS, RULES OR POLICIES FOR CORDILLERA RANCH.

**CORDILLERA RANCH PROPERTY
OWNERS ASSOCIATION, INC.**

OAK WILT POLICY

**For Owners within
CORDILLERA RANCH**

CORDILLERA RANCH
OAK WILT POLICY

I. Background

Cordillera Ranch is a residential community in Kendall County, Texas established pursuant to that certain Master Declaration of Covenants, Conditions, and Restrictions for Cordillera Ranch recorded under Document No. 0115243 of the Official Public Records of Kendall County, Texas, and any amendments or supplements thereto (the "**Declaration**"). Cordillera Ranch is subject to the jurisdiction of governed the Cordillera Ranch Property Owners Association, Inc., a Texas nonprofit corporation (the "**Association**"), which administers the terms, conditions, covenants and restrictions of the Declaration and any and all policies, rules and procedures that are permitted to be established in furtherance of the purpose and operation of the Association. The Declaration, the Supplemental Declarations for each Unit in Cordillera Ranch and the Cordillera Ranch Community Design Guidelines (the "**Design Guidelines**") attached to the Cordillera Ranch Community Manual, recorded under Document No. 00262472 of the Official Public Records of Kendall County, Texas (the "**Community Manual**"), provide certain lot and tree maintenance guidelines requiring an Owner to maintain the Owner's lot and any trees thereon in a clean, attractive and healthy manner. This Oak Wilt Policy (the "**Policy**") contains additional conditions adopted by the Board to regulate Oak Wilt in particular, and its potential effect on trees on the Owner's lot and the potential spread thereof to adjacent properties.

The Declaration, any Supplemental Declarations, the Design Guidelines, the Policy and the other policies, procedures and rules contained in the Community Manual shall be collectively referred to herein as the "**Governing Documents**". Capitalized terms used but not otherwise defined herein shall have the meanings as set forth in the Declaration.

II. Oak Wilt

A. Disclosure of Information Regarding Oak Wilt.

Oak Wilt is a disease that has long been recognized as causing massive tree losses in the Texas Hill Country. It has now been identified in 72 Texas counties. Losses vary with location, with the greatest losses occurring in the Hill Country. A management program has been developed through Texas A&M University which involves the use of cultural and chemical controls. Live oak, Shumard red oak, Southern red oak, Spanish oak, blackjack oak, pin oak and water oak are native oak species that are susceptible to the oak wilt fungus. They are members of the red oak group and will normally die in a few weeks to months after symptoms are observed. Members of the white oak group, including Bur oaks, white oaks and post oaks, rarely become infected. They have a high level of resistance and, when infected, seldom die.

B. Identification. Foliar symptoms can be identified from yellowing or browning of veins of the leaves. Additionally, veinal necrosis, interveinal chlorosis and tipburn are also symptoms of oak wilt. For further identification information refer to TexasOakWilt.org. An Owner that suspects Oak Wilt on their property is encouraged to immediately contact a licensed arborist, if possible trained or certified in managing Oak Wilt, for assistance in identification of Oak Wilt. A list of arborists and vendors certified in Oak Wilt management may be obtained at TexasOakWilt.org. Upon identification, either by self-diagnosis or notification by the Association, an Owner must follow the procedures set forth in this Policy to prevent the spread of Oak Wilt.

C. Notification. Upon identification of any potential, suspected, or actual case of Oak Wilt, either through professional diagnosis or self-diagnosis, whichever occurs earlier, an Owner is responsible for notifying the Association of such within 72 hours. This will assist the Association in determining if additional Owners need to be notified and allow the Association to ensure that this Policy is followed. All Owners are strongly encouraged to look out for Oak Wilt to the extent possible and notify the Association in a timely manner.

D. Planning/Approval. Due to the ability for Oak Wilt to spread rapidly and in order to assure that adequate steps are taken, the Owner is required to submit to the Association for approval, within 14 calendar days of identification or notification by the Association, a plan of action authored and approved by a licensed arborist, preferably an arborist trained or certified in management of Oak Wilt. The plan must follow the treatment/prevention requirements set-out in this Policy (Section E). The Association reserves the right to require additional treatment measures or to engage additional experts to verify any determination made as part of the plan. The plan shall be deemed approved either by communication of such by the Association or if the Association fails to respond within 14 days of receipt of plan. The plan shall be initiated no later than 21 days from date of approval and be completed no later than 28 days from date of approval

E. Treatment/Prevention.

- (1) *Isolation.* In order to prevent the transmission of Oak Wilt, an Owner shall create a barrier by digging a trench to break to the root system and isolate the infected tree. The trench shall be of a minimum depth of 48" and at a distance of 100ft beyond the perimeter of infection centers.
- (2) *Fungicide Treatment.* Any infected tree determined, at the sole discretion of a trained and licensed arborist, to be potentially salvageable, shall be treated by injection of propiconazole. In addition, high-value oak trees in proximity to oak wilt infection centers shall also be treated via this method. Long-term maintenance may be required.
- (3) *Removal.* Owner shall remove any dead trees or trees determined to be unsalvageable

- (4) *Pruning.* Oak tree pruning is prohibited, unless prior written approval is received from the Association, from February 1st to June 30th as this is the period in which trees are most at risk of infection. Pruning of trees shall be performed when possible from July 1st to January 1st. Pruned trees and/or wounds shall be immediately protected with tree paint (approved example: Treekote Tree Compound). Additionally, it is required that pruning tools and blades be sterilized prior to and in between cutting any oak trees as a precaution.
- (5) *Firewood.* Firewood originating from oak trees shall be stored away from healthy trees to prevent the spread of the disease. It is recommended the firewood be covered and sealed by a clear plastic to prevent disease-baring insects from escaping.
- (6) *Long-Term Monitoring/Future Treatment.* Untreated trees immediately outside the treatment area should be closely monitored for several years. Owners that have previously managed Oak Wilt infections on their property are highly encouraged to engage a licensed arborist on an annual basis to monitor the property for sign of new or continued infection.

III. Enforcement.

A. Parties. In accordance with the terms and provisions of the Governing Documents of Cordillera Ranch, any Owner at such Owner's own expense, the Declarant and the Association will have the right to enforce the provisions of this Policy.

B. Interpretation. In the event of any dispute regarding the effect or application of this Policy, the interpretation of the Board will be final.

C. Nuisance. Every act or omission whereby any provision of this Policy is violated, in whole or in part, is hereby declared to be a nuisance and may be enjoined or abated by any Owner of a Lot (at such Owner's own expense), Declarant, the Association or Kendall County or other applicable governmental authority.

D. Self-Help. Any Owner who fails to undertake the requirements set forth herein resulting in trees on an Owner's Lot in violation of this Policy or may be treated for Oak Wilt by the Association, who has the authority to enter into and upon an Owner's Lot to treat such trees and the cost of which shall be at the expense of the Owner as permitted under Section 5.4(E) of the Declaration and other provisions of the Governing Documents. The Association expressly disclaims any liability for damage to property on which the Association exercises this self-help remedy as further set forth in the Declaration.

E. Fines. The Association may impose fines for violation of the provisions of this Policy pursuant to the provisions and procedures of the Association's Fine and Enforcement Policy, as the same may be set forth in the Community Manual and amended from time to time.

F. Legal Action. The Association may initiate, defend or intervene in any action or lawsuit brought to enforce any provision of this Policy, and may seek recovery for damages for and injunctive relief against the breach of any provision hereof and may recover attorney's fees and costs associated with such action or lawsuit.

**Any questions regarding this policy should be directed to the Association's
managing agent at (830) 336-3501**

Filed & Recorded in:

**KENDALL COUNTY
DARLENE HERRIN
COUNTY CLERK**

04/30/2015 02:31PM

Document Number : 00292333
Total Fees : \$54.00

Receipt Number - 55207
By Deputy: Paula Pfeiffer

This Document has been electronically received by this
Office for Recording into the Official Public Records.

We do hereby swear that we do not discriminate due to
Race, Creed, Color, Sex or National Origin.

STATE OF TEXAS, COUNTY OF KENDALL
I hereby certify that this instrument was e-filed in File
Number Sequence on the date and at the time stamped
hereon and was duly recorded in the OFFICIAL RECORDS
Records of Kendall County, Texas on

04/30/2015
DARLENE HERRIN, COUNTY CLERK
Kendall County, Texas

By: Paula Pfeiffer Deputy