NOTICE OF FILING OF DEDICATORY INSTRUMENTS
THE NAPA OAKS OWNERS' ASSOCIATION, INC.

STATE OF TEXAS §
§
COUNTY OF BEXAR §

Notice is hereby given to all persons with any interest in or claim to any parts of the property within the Napa Oaks Subdivision that said property is subject to the attached:

1. Pool Rules and Guidelines;
2. Release of Liability; and,
3. Pool Membership Form.

Thus signed and certified this 26th day of January, 2023.

THE NAPA OAKS OWNERS' ASSOCIATION, INC.
a Texas non-profit corporation

By: _____
Tom L. Newton, Jr., Its Legal Counsel

STATE OF TEXAS §
§
COUNTY OF BEXAR §

Before me, the undersigned notary public, on this day personally appeared Tom L. Newton, Jr., Legal Counsel for The Napa Oaks Owners' Association, Inc., known to me or proved to me by presentation to me of a governmentally-issued identification card to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed it for the purposes and consideration expressed in it.

Given under my hand and seal of office the 26th day of January, 2023.

_____
Notary Public, State of Texas

THERESA GOMEZ
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 05-10-2026
ID # 607722-9

AFTER RECORDING RETURN TO:
The Napa Oaks Owners' Association, Inc.
c/o Tom L. Newton, Jr.
Allen, Stein & Durbin, P.C.
6243 IH-10 West, Suite 700
San Antonio, Texas 78201

5853 001/2385968

THE NAPA OAKS OWNERS ASSOCIATION, INC.
POOL RULES AND GUIDELINES
8700 Napa Landing
Boerne, Texas 78006

1. **POOL SCHEDULE AND HOURS OF OPERATION:**

   POOL SEASON: Opens the Saturday of Spring Break and closes the last Sunday in October or Halloween.

   Pool Hours: Daily 7am-10 pm

   The Association by and through the Board of Directors retains the right to close the pool at any time in case of an emergency, in the interest of the health and safety of Association members, or for repair purposes.

   FOR LIABILITY PURPOSES – NO ONE UNDER THE AGE OF FIFTEEN (15) YEARS OF AGE IS ALLOWED IN THE FENCED POOL AREA (POOL ENCLOSURE) UNLESS ACCOMPANIED BY AN ADULT.

2. **ENTRY AND POOL USE:**
   a. **NO LIFEGUARDS ON DUTY.** Persons using the pool do so at their own risk. The Association is not responsible for accidents, injuries, illness or loss of personal property. The ultimate responsibility rests with the members who are homeowners or renters within the association.
   b. The pool facilities were designed and built for the primary use and recreation of residents, their visiting relatives, and guests.
   c. Only Association members in good standing (those who have paid assessment fees as required), or their tenants are permitted to use the pool and pool area. Association members or their tenants who are in arrears in their assessment fees shall have their card key access suspended. Card key access will be reinstated when the association member or their tenant has become current in their assessment fees and paid to the designated card key **reprogramming charge of $25.00.**
   d. Each Association member or their tenant should have a pool card to access the pool. DO NOT ALLOW NON-RESIDENTS TO USE YOUR POOL CARD. There will be a **$25.00** replacement fee for lost and/or damaged cards. **Limit of 2 cards per household. First card is at no charge to a member. Additional card is $25.00. Tenants pay $25.00 for a card.**
   e. Each Association member or their tenant must have a signed copy of a wavier on file prior to having pool access.
   f. The gates will remain closed at all times. Do not prop them open.

3. **POOL CONDUCT RULES:**
   a. If you are feeling ill, please do not enter the pool enclosure area.
   b. Everyone using the pool area is strongly encouraged to wear a face mask (homemade or purchased) of some sort, when not in the water.

   c. Not allowed in the pool enclosure:

i. Alcoholic beverages
ii. Smoking
iii. Persons under the influence of alcohol or drugs
iv. Glass or breakable containers
v. Diving into the pool
vi. Running, rough or excessive horseplay
vii. Abusive, vulgar or profane language or hand gestures
viii. Concealed weapons
ix. Use of skateboards, skates, roller blades, bikes and similar devices
x. Pets/Animals, birds, reptiles, etc.
xi. No glass face masks or goggles will be allowed in the pool. Floating devices attached to the swimmer for safety are allowed in the shallow end.

d. Food, drinks, any type of bottle, and gum are prohibited in the pool or on the pool edge. Use of these items is restricted to the patios and lawn areas.
e. Persons with communicable diseases, open cuts or sores are not allowed in the pool.
f. Pool users must be properly attired in swim wear. No cut-off pants, jean shorts or boxers are permitted.
g. Diaper-age children must wear disposable swim diapers or reusable commercial swim diapers at all times while in the swimming pool. Regular disposable diapers or cloth diapers with rubber pants are not allowed. There will be a one hundred-dollar ($100) fine for cleaning the pool if a diaper leaks or bursts in the pool. Please be aware that any time waste is discovered in the pool, the Association must close the pool for the remainder of the day for proper cleaning and filtration and at a cost of approximately two hundred dollars ($200) per incident.
h. No one under age seventeen (17) is allowed in the pool area unless accompanied by an adult from within their own household or a competent swimmer.
i. Intoxication, possession or use of illegal drugs is strictly prohibited on the Common Facilities.
j. Possession or use of alcohol by minors is prohibited.
k. Persons entering or present on the Common Facilities must be appropriately attired at all times and shall not expose to public view any part of their anatomy that would be considered lewd or indecent exposure.
l. Sexual activity of any kind is prohibited on the Common Facilities.
m. No person may assault, threaten or cause harm to any other person.
n. Violation of any of these rules may subject the violator to enforcement action by the Board of Directors, including but not limited to immediate suspension of their right to use the Common Facilities for a period of up to thirty days.
o. Anyone who repeatedly violates pool rules will have their privileges suspended at the discretion of the Board of Directors.

i. **First violation: notice is given that if another violation occurs the violator is subject to automatic suspension from use of the pool facilities for one week (7 days), unless the violation is a threat to public health and safety, in which case the automatic suspension is immediate.**

ii. **Second violation: automatic suspension from use of the pool facilities for one month (30 days)**

iii. **Third violation: automatic suspension from use of the pool**

facilities for 90 days or until the end of the season, whichever is less.

4. **POOL GUESTS**
   a. All Association Members in good standing, and over the age of seventeen (17) this time may bring up to **two (2) guests** at any one time. The host member must accompany his/her guests at all times and is responsible for his/her conduct.
   b. A guest cannot be a non-paid member of the Association. Members who have not paid their assessments may not enter the pool or pool area as a guest of a paid member.

PLEASE NOTE:

PROBLEMS OR COMPLAINTS SHOULD BE DIRECTED TO THE ASSOCIATION MANAGER BY CALLING THE MANAGEMENT OFFICE.

IF ANY EQUIPMENT IS FAULTY OR IN NEED OF REPAIR OR REPLACEMENT, PLEASE CONTACT THE ASSOCIATION OFFICE.

PLEASE REMOVE YOUR TRASH WHEN YOU LEAVE.

RECREATIONA FACILITIES ARE OWNED BY THE NAPA OAKS OWNERS ASSOCIATION, INC.

IN THE EVENT OF AN EMERGENCY DIAL 911

ALL RULES STATED ABOVE MAY BE AMENDED OR ADDED TO AT ANY TIME BY THE BOARD OF DIRECTORS.

THE NAPA OAKS OWNERS ASSOCAITON, INC.
RELEASE OF LIABILITY

This agreement is made between **The Napa Oaks Owners Association, Inc.** (referred to as the Association")and _____and _____ to be referred to as the "Member"), who are the owners of record of the following real property located in **The Napa Oaks Owners Association, Inc.** (Address):_____ Member, or and in consideration of the permission of the Association to use Association's property, namely **The Napa Oaks Owners Association, Inc.**, for the purposes of swimming and general recreation, hereby agrees to hold Association harmless for any acts and/or omissions of any person with regard to the Association's property arising from or relating to the use of said recreation center for swimming and general recreation or for any other purpose. Member, on behalf of themselves and all minor children, acknowledges the adequacy of consideration for this Release.

Member acknowledges by the signing of this agreement that there are NO LIFEGUARDS present on the Association's property for the purpose of watching or supervising Member or Member's immediate family; furthermore, LIFEGUARDS ARE NOT EMPLOYED BY THE ASSOCIATION TO SUPERVISE AND/OR MAINTAIN THE POOL AREA. Member uses the above described pool and its surrounding common areas **AT HIS OR HER OWN RISK.**

MEMBER BEING DEFINED AS OWNER OF RECORD. IMMEDIATE FAMILY BEING DEFINED AS LIVING IN NAPA OAKS HOA AT THE STATED ADDRESS, AND THEIR GUEST(S).

Members and member's immediate family agree to abide by the following rules and any others which may be established from time to time:

1. First card is at no charge to a Member. Only one card is issued to each family. *NOTE* Cards are issued only to members whose accounts are current. **Tenants pay $25.00 for a card.** If the card is LOST AND/OR DAMAGED/NON-WORKING, there Is a $25.00 charge for a replacement. Also, if you lose your card, please notify the Management Company immediately. No Member of Member's immediate family under the age of 18 will be issued a card.
2. No one under the age of seventeen (17) is allowed inside the fenced pool area unless accompanied by an adult.
3. Pool hours are **Daily 7am-10pm POOL SEASON: Opens the Saturday of Spring Break and closes the last Sunday in October or Halloween.**
4. The gate will remain locked at all times. Do not prop open.
5. The Board of Directors shall reserve the right to suspend, terminate, and/or revoke any and all pool privileges related to non-supervised swimming if there is a violation of the rules.

This agreement constitutes a waiver by Member and all minor children of any claim(s) he/she may have against the Association for acts and/or omissions of any person with regard to the Association's property for the purpose of use of said recreation center, which may result in an injury to Member or Member's immediate family, including all minor children.

_____ _____

Member **Date**

_____ _____

Representative:**The Napa Oaks Owners Association, Inc.** **Card # Issued:**

THE NAPA OAKS OWNERS ASSOCIATION, INC.
14603 Huebner Road, Building 40
San Antonio TX 78230
(210) 561-0606 Office (210) 690-1125 Fax

POOL MEMBERSHIP FORM

Owners Name: _____
(Last) (First)

Spouse: _____
(Last) (First)

Address: _____

Telephone: _____
(Home) (Work) (Cell.)

Emergency: _____
(Name) (Phone #)

Children:

_____ (Name) (Birth Year)

_____ (Name) (Birth Year)

_____ (Name) (Birth Year)

_____ (Name) (Birth Year)

_____ (Name) (Birth Year)

(PLEASE CIRCLE THE NAME OF CHILDREN WHO CANNOT SWIM)

In case of an emergency where I cannot communicate my wishes, I would like the following emergency care facility used for myself and all my family members.

Hospital: _____

Doctor's Name: _____ Phone: _____

Dentist's Name: _____ Phone: _____

Please fill out this registration form and return to the address at the top. The registration form must be on file for you to have pool privileges.

File Information

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

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**** 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: 1/27/2023 10:50 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk