

RULES AND REGULATIONS CONCERNING OFF-ROAD VEHICLES

These rules and regulations are established at the request of and with the input of the property owners of RiverTree at annual meetings of the members. They are designed to enforce the requirements of the Declarations and By-Laws.

SECTION 1: STATEMENTS IN THE DECLARATIONS AND BY-LAWS.

Declarations, Article II, section 28: “**Other Activities and Uses:** The following activities and uses are prohibited.

c) The operation of any four wheeler, all-terrain vehicle, motorcycle or other motorized vehicle (other than electric carts) on any of the Bike and Bike Trails Common Area, or on any of the other Common Area other than the private streets in the subdivision.”

Declarations, Article VI, section 3: “(h) The right of the Association to establish rules and regulations governing traffic and parking on the private streets and parking areas within the Common Area, and to establish sanctions for any violation or violations of such rules and regulations.”

“i) The right of the Association to regulate noise within the Property, including, without limitation, the right of the Association to require mufflers on engines or to prohibit the use of devices producing excessive noise.”

Section 13: **Notice of Private Streets:** All streets in the Property are private streets and constitute a part of the Common Area owned by the Association. Neither Real County, Texas nor any other governmental agency has any responsibility for the repair, improvement or maintenance of said streets. The responsibility for same is upon the Association, as provided hereinabove.

MEMORANDUM OF EXISTENCE OF WALKING PATH EASEMENT

This memorandum of existence of a walking path easement dated effective JULY 18, 1996, made by and between the Estates of RiverTree, A Texas Limited Partnership, developer of River Tree Subdivision located in Real County, Texas, and its purchasers of tracts of property located within said subdivision. The parties agree to the following:

1. A walking path easement is retained by the Estates of RiverTree for the benefit of all owners of Lots within RiverTree Subdivision, Real County, Texas. This easement is for the purposes of a walking path only to the **exclusion of all vehicles**, including, but not limited to bicycles.

SECTION 2: DEFINITIONS

- 2.1 Off-Road Vehicles:** Hereinafter Off-Road Vehicles are referred to as ORVs. An ORV is a vehicle that is not “street legal.” These vehicles cannot be legally operated on Texas highways because of the type of vehicle or because they are not or cannot be licensed. As used in this document, ORV refers to both motorized and electric powered vehicles such as ATVs, golf carts, go-carts, scooters, skateboards with some type of engine power, small motorcycles, “gators”, and such other vehicles that fit this definition as determined by the Off-Road Vehicle Committee [see below].
- 2.2 Motorized:** means any ORV that uses a motor other than an electric motor.
- 2.3 Electric-powered:** Any vehicle powered by an electric motor.

SECTION 3: OFF-ROAD VEHICLE COMMITTEE

3.1 An Off-Road Vehicle Committee, hereinafter referred to as the ORV Committee [ORVC], consisting of three members, is hereby established to oversee the enforcement of the regulations in this set of rules. The members of the ORVC will be appointed by the President with the approval of the Board of Directors. If possible, a majority of the Committee should be permanent residents of River Tree. If possible members of the committee will not be members of the Board of Directors, but under no circumstances will more than one member of the ORVC be a member of the Board of Directors. The members of the ORVC will pick their own Chair.

3.2 THE DUTIES OF THE ORVC SHALL BE TO:

- 3.2.1.** Register all ORVs in RiverTree including those in RiverTree only temporarily.
- 3.2.2.** Assign identification numbers, which will be the Lot and Block number of the property owner, to each of the property owner’s vehicles.
- 3.2.3.** Issue to each property owner a plate (or sticker) to be placed on the ORV. Since each plate (or sticker) is to have the Lot and Block number of the property owner, the committee may choose to add a letter or numeral to distinguish the ORVs of a property owner who has more than one.
- 3.2.4.** Investigate all complaints in accordance with the rules stated herein.
- 3.2.5.** Issue notification to owners of complaints and the ORVC’s decision about the complaints. Make this information available as stated in 6.1

3. 2. 6. Issue the sanctions in accordance with the rules stated herein.
3. 2. 7. Revoke the variance(s) given in 4. 2. 8 [see below]
3. 2. 8. Revoke the privilege of an owner to operate any motorized ORV deemed by the ORVC to be producing excessive noise.

SECTION 4: THE LIST OF RULES AND REGULATIONS

NOTE: FAILURE TO COMPLY WITH ANY OF THE FOLLOWING WILL BE CONSIDERED A VIOLATION.

4. 1. OWNER'S RESPONSIBILITIES:

4. 1. 1. Owners are responsible for the conduct of the operators of their ORVs and those of their guests.
4. 1. 2. Owners must sign a release before an ORV can be operated in RiverTree.
4. 1. 3. Owners must register all ORVs with the ORVC. This includes notification to the Chairman of the ORVC of any temporary ORV including those brought by a guest. In case the Chairman of the ORVC is not available, any member of the ORVC shall be notified.
4. 1. 4. Owners must put in a prominent place on each of their ORVs the plate (or sticker) issued to them by the ORVC. This applies to any ORV brought by a guest.
4. 1. 5. Owners must not allow any of their ORVs or those of a guest or guests to be operated on the streets and roads of RiverTree without a proper plate (or sticker) that has been issued by the ORVC.
4. 1. 6. Owners must see that all operators of their ORVs comply with all of the rules of operation.

4. 2. RULES OF OPERATION:

4. 2. 1. No vehicles of any type, including bicycles, are allowed on the Walking Path along the River.
4. 2. 2. By state law no vehicles of any type are allowed in the river bed.
4. 2. 3. **No ORV may be operated on the streets and roads of RiverTree without the plate (or sticker).** Any ORV found without this plate (or sticker) must immediately be parked at the owner's property until such plate or sticker is issued. Until the committee issues this plate (or sticker), the committee may issue a temporary plate (or sticker).
4. 2. 4. Electric powered vehicles are allowed on all Common areas including the Hike and Bike Trails.

4. 2. 5. ORVs are to use parking areas for parking and not as a place to drive around and around on. Parking areas, access roads and Common area grounds are not to be used as “short cuts” to go from one road to the other.
4. 2. 6. No motorized vehicles are allowed on the Hike and Bike Trails, except for the purpose of maintenance or repair of the Hike and Bike Trails.
4. 2. 7. Motorized ORVs are allowed only on the common areas known as streets and roads. [see variances at 4.2.8]
4. 2. 8. Since motorized ORVs are restricted by the Declarations to the streets and roads of Rivertree, the following variances are given to this restriction. These variances may be revoked by the ORV Committee for any owner abusing the privilege.
4. 2. 8 A. First variance: Motorized ORVs may be temporarily parked in the parking areas at the Pavilion and Lombardi Park.
4. 2. 8 B Second variance: Motorized ORVs may be used to take garbage to the dumpsters. This variance does not include riding a motorized ORV down into the pit.
4. 2. 9. ORVs must adhere to posted speed limits.
4. 2. 10. ORVs must have lights on during the night or times of obscured visibility.
4. 2. 11. All low profile vehicles (such as go-carts, small scooters and motorcycles, etc.) must have a visibility flag.
4. 2. 12. No “off-roading” is allowed except on the property of the owner of the ORV and this activity must not violate 4.2.13.
4. 2. 13. No excessive noise is allowed. Operating the ORV in a manner to produce excessive noise is prohibited. All motorized ORVs must be equipped with noise abating mufflers. If in the opinion of the ORVC, a motorized ORV is excessively noisy because of the type of muffler used, then the ORVC may require mufflers to abate the noise. If an owner is unable to abate the noise whether caused by type of operation [example: “gunning” the motor] or type of equipment, then the ORVC will suspend the privilege of operating that ORV.
4. 2. 14. Operation of any of an Owner’s ORVs or those of a guest or guests of an Owner during a three month period of an Initial Sanction against that owner is a violation. [see. 6.4 and 6.5.1]

SECTION 5: REPORTING OF VIOLATIONS TO THE ORVC

Any violation of the rules of operating a vehicle in RiverTree, should be reported to the ORVC with the following information:

- 5. 1. 1. Identification of the vehicle**
- 5. 1. 2. Name and contact information of the person reporting the infraction**
- 5. 1. 3. Type of infraction**
- 5. 1. 4. Date, time, and location of infraction**
- 5. 1. 5. If possible, the name or description of the person operating the vehicle**
- 5. 1. 6. Information regarding any vehicle without an identification number.**

SECTION 6: WARNINGS AND SANCTIONS

6. 1. As stated in the list of duties of the ORVC, the committee will investigate all reported violations. The ORVC will inform the property owner that a complaint has been made. After investigating the reported violation, the ORVC will inform, in writing, and orally, if possible, the person reporting the violation and the property owner of the ORV of their decision. If the ORVC concludes that a violation has occurred then the written report to the owner of the ORV will contain a Warning. Decisions of the ORVC will be public knowledge for RiverTree owners and will be reported to the BOD and posted on the Web Site or printed in information sent to the members as deemed appropriate by the ORVC.

6. 2. There will be a maximum of two warnings given per property owner regarding *any* of the vehicles registered in their names. It will not be a “per vehicle” warning. After two warnings, the third violation will result in the Initial Sanction [see 6.4] for violation of the rules.

6. 3. Violations are not allowed to accumulate for more than one year. The “violation year” will be from the time of the annual members’ meeting of the Association until the day before the next annual meeting of the Association.

6. 4. The Initial Sanction for violating the rules will be that the property owner of the ORV (s) will not be permitted to operate any of their ORVs or those of a guest for a period of three months. This Initial Sanction of 3 months will apply from the time of its application by the ORVC until the completion of the 3 months even if the time of the annual meeting has arrived.

6. 5. 1. FAILURE TO COMPLY WITH THE INITIAL SANCTION: If a property owner is informed by the ORVC that they have been given the Initial Sanction and they refuse to comply, then the ORVC will inform the Board of Directors of the non-compliance. In this situation, the rule in **6.3 is waived and the Board of Directors will assess a Monetary Sanction of \$100 per each violation of these rules that occurred after the Initial Sanction was given by the ORVC.** The Monetary Sanction will be an Assessment against the property of the property owner in violation. The property owner in violation will have 30 days to pay the assessment. After 30 days a lien will be placed on the property owner's property and the amount of such lien will be the Monetary Sanction plus any legal fees incurred in posting the lien. The 3 month non-use sanction will still apply.

6. 5. 2. As long as there are unpaid assessments, a property owner does not have the right to use any of the common areas in RiverTree except the roads to go to their property. [Declarations: Article VI, Section 3, paragraph b]