RP-2022-183854
04/07/2022 ER $54.00

AFFIDAVIT FOR FILING DEDICATORY INSTRUMENTS

STATE OF TEXAS §
§
COUNTY OF HARRIS §

KNOW ALL BY THESE PRESENT:

WHEREAS section 202.006 of the Texas Property Code requires that a property owners' association file its dedicatory instruments in the real property records of the county in which the property is located, and

WHEREAS the Fall Creek Homeowners Association, Inc. is a property owners' association as the term is defined in the Texas Property Code and has property located in Harris County, Texas,

NOW THERFORE, true copies of the following dedicatory instruments of the Fall Creek Homeowners Association, Inc. which have not been previously filed in the public records of Harris County are attached hereto, including:

- ***Pool Policy***
- ***Pool Rules***

FURTHER, other dedicatory instruments of the Fall Creek Homeowners Association, Inc. have already been filed in the public records of Harris County as these documents supplement the previously filed documents.

SIGNED on this the 6th day of April, 2022.

Fall Creek Homeowners Association, Inc.

By: Spectrum Association Management, L.P.

By: Shelby Welch

Shelby Welch
Spectrum Association Management, L.P.
Managing Agent

State of Texas §

County of Bexar §

This Instrument was acknowledged and signed before me on 6, April, 2022 by Shelby Welch, representative of Spectrum Association Management, the Managing Agent for Fall Creek Homeowners Association, Inc. on behalf of said association.

Notary Public, State of Texas

JULIE RODRIGUEZ
Notary Public, State of Texas
Comm. Expires 05-07-2025
NOTARY ID#: 13308765-7

After Recording Return To:
Spectrum Association Management
Attn: Transitions
17319 San Pedro, #318
San Antonio, TX 78232

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So much. So close.

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Fall Creek Pool Policy

FC-POL-00#

June 8, 2021

Revision	Title	Date	Approved by:
0	Board approved	April 12 2016	HOA Board
1	Board and Legal approved	April 22 2016	Legal
2	Board Approved	June 8, 2021	HOA Board

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1.0 Introduction

The purpose of this document is to define the policies for the pools of Fall Creek. This policy is approved by the HOA Board and published to the residents on the community website.

2.0 Definitions

FALL CREEK AMENITY BADGE– as part of the improvements to the access control system for Fall Creek amenities, residents will be issued these photo ID cards to each resident in 2016 to replace the key fobs.

GATE GUARD – the Pool Services Company employee responsible for verifying Fall Creek residency of pool patrons as instructed by the HOA Board.

POOL 1 – the pool located at 7930 Fall Creek Bend, adjacent to the Clubhouse at Fall Creek.

POOL 2 – the pool located at 3600 Mesa Road.

POOL SERVICES COMPANY – Company hired by the Fall Creek HOA to provide pool management, maintenance, operation and related services on its behalf at the pools.

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3.0 Pool Access

3.1 All individuals must have their Fall Creek Amenity Badge to enter either pool. If a patron has not yet received their Fall Creek Amenity Badge, a Fall Creek Amenity Badge is required for entry into Pool 1 for all individuals 12 years of age or older.

3.2 Patrons whose Fall Creek Amenity Badges do not work at the gate will not be allowed to enter into the pool area.

3.3 Fall Creek Amenity Badges will be issued as part of the 2016 access transition, but if a badge has not been issued, a resident must obtain one prior to entry.

3.4 Caregivers that are not Fall Creek residents but do accompany a resident's child/children to the pool (e.g., nannies, babysitters) are also required to have a Fall Creek Amenity Badge.

3.5 During Pool 2's Swim At Your Own Risk (SAYOR) hours, patrons must have their Fall Creek Amenity Badge with them and may be asked to provide proof of residency.

3.6 Each household is permitted up to four (4) guests per resident address each day.

4.0 Swim Lessons

4.1 Aquatic Advisors, the Fall Creek pool services company, is the only company pre-authorized by the HOA Board of Directors to provide swim lessons due to the liability issues associated with private instructors.

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4.2 To participate in swim lessons, each resident must have a functioning Fall Creek Amenity Badge.

4.3 Swim lesson sessions are offered from May to August and are on a first-come, first-served basis. See the Aquatic Advisors website (link below) for exact dates and times of sessions.

4.4 All swim lessons will be held at Pool 2.

4.5 For information regarding swim lesson fees, please visit www.aquaticadvisors.net.

4.6 To sign up for swim lessons visit www.aquaticadvisors.net.

4.7 Private swim instructors (i.e., those hired directly by a resident) are permitted, subject to the following conditions:

4.7.1 The instructor (or, as applicable, the business entity for which the instructor provides swim lessons) must execute a Facilities Use Agreement in a form acceptable to the HOA.

4.7.2 The instructor must provide proof of adequate liability insurance to the HOA and receive a written response indicating sufficiency of coverage prior to providing any lessons in a Fall Creek pool.

4.7.3 Private instruction is allowed only at Pool 2 and only Monday through Friday during the hours 12 PM to 4 PM.

4.8 Note that the policies regarding private "learn to swim" instructors are not applicable to Fall Creek Swim Team coaching activities (swim team practices, swim team stroke clinics, diving clinics, etc.) as those activities are governed by a separate agreement.

5.0 Pool Parties

5.1 Pool parties will be provided by the pool services company's lifeguards.

5.2 Only Fall Creek residents who are current on HOA dues may schedule pool parties.

5.3 To host a pool party, a resident must have a functioning Fall Creek Amenity Badge.

5.4 Any group of 11 or more people, even if all are Fall Creek residents, is considered a pool party and must be scheduled with Aquatic Advisors. Payment must be made to the HOA. Non-swimmers must be included in the guest count if they will be within the gates of the pool facility at any time.

5.5 Parties may be scheduled at Pool 1 or Pool 2.

5.5.1 Parties at Pool 1 may be a public party (a pool party held during normal pool hours with the facility shared with other pool patrons) or a private party (a pool party held outside of normal operating hours). A single pool party at Pool 1 may be scheduled during normal pool hours and outside of normal operating hours (e.g., on Sunday from 11:00 AM – 1:00 PM).

5.5.2 Private Parties may be held at Pool 1 during the following times:

Tuesday – Saturday	8:00 PM – 10:00 PM
Sunday	8:00 AM – 12:00 PM and 8:00 PM – 10:00 PM

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Fall Creek Pool Policy

5.5.3 Only public parties can be scheduled at Pool 2 due to the duration of Swim At Your Own Risk (SAYOR) hours. Public parties can be scheduled at Pool 2 during normal operating hours. Private parties cannot be scheduled at Pool 2.

5.6 Lifeguard staffing for public parties (during normal pool hours) is one (1) per twenty (20) guests (# lifeguards = # guests / 20, rounded up) in addition to the standard number of lifeguards required for safe pool operation.

5.7 Lifeguard staffing for private parties at Pool 1 (outside of normal pool hours) is one (1) per twenty (20) guests, with a minimum of six (6) guards, which is the minimum number of lifeguards required to safely run the facility.

5.8 A minimum of two (2) lifeguards is required for public parties at Pool 2 during Swim At Your Own Risk hours.

5.9 Music/multimedia is allowed only during private parties and must be maintained at a reasonable volume.

5.10 All normal pool rules apply during pool parties, including those prohibiting alcoholic beverages.

5.11 Pool parties must be scheduled at least seven (7) days in advance of the event.

5.12 Fees for pool parties include a $35 non-refundable administration fee and fee of $25 per hour per lifeguard.

5.13 Fees for pool parties must be paid in full seven (7) days prior to the event.

5.14 Pool parties may be scheduled at www.aquaticadvisors.net and are available on a first-come, first-served basis.

5.15 Cancellations must be communicated to Aquatic Advisors, in writing during normal business hours, at least 24 hours prior to the scheduled party. Residents who cancel less than 24 hours in advance will incur charges for one hour of labor for the scheduled lifeguards. The $35 administrative fee is non-refundable under all cancellation circumstances.

5.16 Residents conducting unscheduled parties (i.e., a group of 11 or more people within the pool facility gates at the same time, especially with food, gifts, decorations, etc.) will be asked to leave due to the safety issues created when pool attendance exceeds safe lifeguard-to-patron ratios.

5.17 Residents must not circumvent pool party policies by having multiple residents simultaneously bring guests to the pool or by having an unscheduled party at Pool 2 during SAYOR hours.

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Fall Creek Pool Rules

Rules Regarding Pool Entry

All patrons are expected to act in a safe and responsible manner at all times.

1. This facility is intended for the exclusive use of the members and guests of Fall Creek Homeowners Association, Inc. (the "Association") subject to the rules and regulations established by the Association.

2. For individuals 12 years of age and older, a Fall Creek ID badge is required for entry into the facility. Members must be in good standing with the Association to use the facility. If a member's badge does not work at the gate, the Gate Guard will not allow the member entry into the pool area.

3. All members and guests **must** register with the Gate Guard upon entering the pool facility.

4. Any individual may be asked at any time by the pool services company's staff to prove his or her residency for authorized access to the pool by showing a Fall Creek ID badge.

5. No more than four (4) guests per resident address will be allowed, not to exceed ten (10) total in attendance (swimmers and non-swimmers, regardless of resident status).

6. A gathering of 11 or more people (swimmers and non-swimmers, regardless of resident status) is considered a pool party and related fees will apply.

7. Members must accompany their guests at all times while in the pool area. Members will be held responsible for the actions of their guests. All members and their guests are required to abide by all pool policies.

8. Persons under the age of fourteen (14) and their guests must be accompanied at all times by a responsible person over the age of eighteen (18).

9. The pools may be closed or their use limited at any time because of weather, operational difficulties, or for other reasons at the discretion of the pool services company. The pool area must be **completely cleared** in the event of inclement weather in order to ensure the safety of patrons.

Rules Regarding Swimwear

10. Appropriate swimwear **must** be worn in the pool. No cut-off jeans or pants, no denim or other non-swimming shorts (such as basketball shorts), and no thong swimsuits. All swimsuits must cover undergarments in their entirety. Shirts may be worn in the pool so long as a swimsuit is

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worn under the shirt. Shirts worn in the pool must be of a light color free from heavy dyes that may run when exposed to pool water. Any individual not abiding by these clothing requirements will be asked to get out of the pool.

11. In accordance with CDC and Texas Department of State Health Services guidelines, incontinent swimmers and swimmers who are not toilet trained must use diapers specifically designed for swimming when in the pool or splash pad area (such as Little Swimmers® disposable swim diapers and/or iplay® reusable swim diapers) and caregivers should check swim diapers frequently. Such diapers **must** be changed in the restrooms only.

Rules Regarding Conduct

12. No running, horseplay, foul language, or loud or unruly conduct will be tolerated.
13. Running or roughhousing (e.g., throwing each other, pushing, dunking, getting on another's shoulders, splash fights) are not allowed.
14. No diving from the side of the pool is allowed.
15. Loud or explicit music in pool area is prohibited. If music disturbs other patrons, it must be turned down or off.
16. No food or beverage is allowed in the pool.
17. No glass containers are allowed in the pool area.
18. Alcohol and other drugs are prohibited in the pool area. Smoking or other tobacco use is prohibited in the pool area.
19. No pets are permitted in the pool area.
20. Persons with diagnosed, waterborne, communicable diseases should not use the pools.
21. Persons that have been ill with diarrhea within the past two (2) weeks should not use the pools.
22. Extended breath holding activities are dangers and are expressly prohibited in the pools.
23. Two (2) lanes may be restricted for lap swim only.
24. Management will not be held responsible for loss or damage of any personal property of any kind.

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Rules Regarding Violations

25. Lifeguards have ultimate authority over the pool area at all times. For the safety and enjoyment of all, the lifeguards have full authority to ask disruptive or unruly guests to leave the pool facilities.

26. Pool patrons must obey lifeguards and other supervisory personnel. Talking with lifeguards on duty is discouraged.

27. ONE LONG WHISTLE BLAST MEANS CLEAR THE POOL! Clear the pool immediately when an alarm is sounded. Follow instructions. Stay away from emergency locations.

28. Persons not following the pool rules and persons demonstrating inappropriate behavior will be asked to leave at the discretion of the Pool Manager and may be subject to suspension of pool privileges.

In case of an emergency, notify lifeguard personnel on duty or call 911.

Please report damage to the facility to the Pool Manager on duty.

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Fall Creek Slide Rules

All patrons are expected to act in a safe and responsible manner at all times.

1. All riders must be at least 48" tall to ride the water slides. The only exceptions are:
    a. Riders 36-48 inches tall wearing a United States Coast Guard (USCG) approved life jacket.
    b. Riders 42-48 inches tall that have passed a swimming test, administered by the lifeguards. The availability of lifeguards for such swim tests will depend on the available staff on hand.
2. Wait for the lifeguard's instruction before riding.
3. Enter, ride, and exit the slide feet first in a sitting position or on your back.
4. Only one person is allowed on the slide at a time. Parents may not ride with a lap child. No doubles, trains, or chains.
5. Keep your arms and feet inside the flume at all times.
6. Riders whose swimwear has exposed zippers, buckles, rivets, or metal ornamentation are not permitted to use the slide.
7. Do not run before getting into the slide and do not dive into the slide. Do not stand, kneel, rotate, or stop while in the slide.
8. No horseplay on the stairs or the slide platform.
9. No more than four people on a slide platform at a time.
10. Eyeglasses, sunglasses, and goggles may not be worn while in the slide.
11. No tubes, mats, or other floating devices other than USCG-approved floating devices are permitted in the flumes.
12. Patrons may not wait for a rider directly in front of the slide. Patrons may wait next to the wall away from the slide exit into the splash pool area, but not on the wall between the two slides.
13. Immediately after riding down the slide, please exit the splashdown pool area.

Warning – For safety and health reasons, pregnant women and riders who have a heart or back condition should not use the slides.

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Warning – Failure to follow slide rules can result in serious injury or death to yourself and others, and such action may also result in the loss of privileges to use the slide.

Fall Creek Hot Tub Rules

All patrons are expected to act in a safe and responsible manner at all times.

1. The hot tub is to be used responsibly and is not to be used as a substitute wading pool.
2. No pets are allowed in the hot tub area.
3. Children under the age of twelve (12) must not use the hot tub unsupervised at any time.
4. No diving, jumping, or horseplay in the hot tub.
5. No food or glass beverages may be brought into the hot tub area. Alcohol, smoking or other tobacco use, and other drugs are prohibited.
6. Only plastic cups are allowed in the hot tub area.
7. Only clean swimwear may be worn in the tub as the chemicals in the water will remove the colored dyes found in ordinary clothing, causing them to leach into the water and turn it cloudy.
8. It is recommended that the hot tub not be used alone.
9. Always check the temperature of the water before entering the tub.
10. It is recommended that patrons limit hot tub exposure to no more than 15 minutes at a time.
11. If you experience signs of drowsiness or fatigue, please exit the hot tub immediately.
12. Persons with diagnosed waterborne communicable diseases should not use the hot tub.
13. The Association takes no responsibility for skin conditions that may arise from using the hot tub.

Warning – Failure to follow hot tub rules can result in serious injury or death to yourself and others, and such action may also result in the loss of privileges to use the hot tub.

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Pages 11

04/07/2022 08:18 AM

e-Filed & e-Recorded in the

Official Public Records of

HARRIS COUNTY

TENESHIA HUDSPETH

COUNTY CLERK

Fees $54.00

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RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

COUNTY CLERK
HARRIS COUNTY, TEXAS