

KISSING TREE®

SAN MARCOS ★ TEXAS

ATTACHMENT 10 (EXCERPT)

KISSING TREE MASTER COMMUNITY, INC.

CLUB FACILITIES RULES AND REGULATIONS

GENERAL POOL RULES

1. As there is no lifeguard on duty, use of the pool facilities at any time is at the swimmer's own risk. Any injuries or accidents should be reported to the Club immediately.
2. Please do not enter the pool with a cold, skin or other body infection, open wound, diarrhea or other contagious condition.
3. Any person who is incontinent or who is not toilet trained must wear protective swim attire, such as tight fitting rubber or plastic pants or a swim diaper at all times.
4. Children younger than 19 must be accompanied by an adult.
5. Swimming is permitted only during designated hours.
6. Showers are required before entering the pool.
7. Bottles, glass objects, drinking glasses and sharp objects are not permitted in the pool area. Trash should be placed in the proper receptacles located throughout the pool area.
8. Food is allowed only in designated areas of the pool facilities; absolutely no food or beverage allowed in the pool, on pool ledges, or on column support beams.
9. All swimmers must wear bonafide swimming attire. Cut-offs, dungarees and Bermuda shorts are not considered appropriate swimwear.
10. Radios, televisions and the like are permitted only when played at a sound level which is not offensive to other guests.
11. Pets (with the exception of service animals), bicycles, skateboards, play balls of any type and coolers are not permitted in the pool area.
12. Lifesaving and pool cleaning equipment should be used only for the purposes intended.
13. Running, ball playing, dunking, pushing, and hazardous activities are not permitted in the pool area.
14. Diving is not permitted unless otherwise indicated at the pool. Jumping from any ornamental fixture (i.e. fire pits, rock walls, etc.) is strictly prohibited.

15. Fishing, spear fishing and snorkeling equipment, other than a mask and snorkel, are not to be used in the pool area except as part of an organized course of instruction.

16. Throwing footballs, flying discs, tennis balls or other objects, spitting or spouting water and tag games are not allowed in the pool area.

17. Guests may be allowed to bring food, drinks, or personal coolers into the pool area so long as it is approved in advance by the Club.

18. Guests are prohibited from bringing alcoholic beverages to any Club Facilities.

19. Guests are prohibited from bringing firearms to any Club Facilities.

20. All persons using the pool furniture are required to cover the furniture with a towel.

21. All persons using the pool area are urged to cooperate in keeping the area clean by properly disposing of towels, cans, and all other trash in the proper receptacles.

22. Smoking is prohibited in the pool area.

23. Lounge chairs, umbrellas and other personal property belonging to the Club are to remain out of the water to protect the item from water damage.

24. Persons who leave the pool area for over 30 minutes must relinquish lounges and chairs by removing all towels and personal belongings. Saving chairs for persons absent from the pool area is prohibited.

25. The Club has the authority to expel from the pool area anyone who does not follow rules established by the Club.

ATTACHMENT 12

KISSING TREE MASTER COMMUNITY, INC.

FITNESS CENTER POLICY

Terms used but not defined in this policy will have the meaning subscribed to such terms in that certain **Kissing Tree Master Covenant**, recorded as Document No. 16036339 in the Official Public Records of Hays County, Texas and that certain **Kissing Tree Policy Manual**, recorded under Document No. 16036506, in the Official Public Records of Hays County, Texas, each as the same may be amended from time to time.

1. **Use**. The fitness center area (the “**Fitness Center**”) is available only to Owners, Occupants and their guests unless otherwise approved in advance by the Board of Directors, or Manager. All users should be properly trained on how to use the equipment in the Fitness Center. No children under the age of sixteen (16) are permitted to use the Fitness Center. All guests must be accompanied by an Owner, or Occupant unless otherwise approved in advance by the Board of Directors, or Manager.
2. **Hours of Operation**. Use of the Fitness Center is only permitted during designated hours, as posted in a location in the Fitness Center area and on the Association’s website. The scheduled days and hours of operation will be determined by the Association and are subject to change without notice. The Manager and/or the Association may modify hours of operation as needed without notice.
3. **Maintenance**. The Fitness Center and/or surrounding area may be closed for various periods of time to facilitate maintenance and to maintain standards set forth by Applicable Law.
4. **No Private Rental**. The Fitness Center is not available for private rental.
5. **Pets Not Allowed**. Pets are not allowed in the Fitness Center except leashed service animals. Every effort will be made to accommodate those with special needs. Please contact the Manager for assistance or questions.
6. **Physician Consultation**. Owners, Occupants, and their guests interested in using the Fitness Center are encouraged to consult with a physician prior to commencing a fitness program.
7. **Personal Trainers and Fitness Programs**. Use of personal trainers, group fitness instructors, and other wellness professionals is prohibited in the Fitness Center unless approved in advance by the Manager or Association. Any fitness program operated, organized, established, and/or run by the Manager shall have priority over all other users of the Fitness Center. The Association and Manager are not present to provide personal training, exercise consultation or athletic instruction.
8. **Fitness Center Equipment**. Weights or other fitness equipment may not be removed from the Fitness Center. Free weights are not to be dropped and should be placed only on the floor or on equipment made specifically for storage of the free weights. Free

weights and all other fitness equipment shall be replaced to their proper locations after use. Throwing objects or equipment against any wall is prohibited. Owners, Occupants, and their guests are responsible for wiping off fitness equipment after each use. Sanitary wipes are provided and can be found throughout the Fitness Center. Any faulty or damaged equipment should be reported to the Association immediately.

9. **Attire and Footwear.** Appropriate attire and athletic footwear (covering the entire foot) must be worn at all times within the Fitness Center. Appropriate attire includes t-shirts, tank tops, athletic shorts (no jeans or cut-off jeans), and/or sweat suits. Swimsuits, sandals, flip-flops, and bare feet are not permitted.

10. **Group Exercise Rooms.** Scheduled group exercise classes have priority over all other activities in the group exercise rooms and designated multi-purpose rooms. Non-scheduled time in the group exercise rooms is available on a first-come, first-served basis.

11. **Prohibitions.** The following are NOT permitted in the Fitness Center:

- a. Rough play;
- b. Excessive screaming;
- c. Language that is loud, abusive, vulgar, cussing or harassing in nature;
- d. Loud or inappropriate music (personal audio or visual devices may only be used with headphones);
- e. Glass containers of any kind and other breakable items (water, sports drinks, and other beverages are permitted if contained in non-breakable containers with screw top or sealed lids);
- f. Food;
- g. Hand chalk;
- h. Loitering during non-posted hours of operation;
- i. Tobacco products, smoking and/or vaping;
- j. Use of controlled substances and/or alcoholic beverages; and
- k. Public intoxication.

12. **Trash and Debris.** Owners, Occupants, and their guests are responsible for cleaning up all trash and other debris occasioned by their use. Trash and debris must be deposited in appropriate trash receptacles.

13. **USE OF THE FITNESS CENTER IS AT YOUR OWN RISK.** The Association is not responsible for accidents, injuries or loss of personal property. The Fitness Center is unattended. Owners, Occupants, and their guests use the Fitness Center and its equipment at their own risk and are solely responsible for the safety and wellbeing of themselves, their guests, any minors under their supervision and that of any designated childcare providers.

14. Emergencies. FOR INJURY OR LIFE-THREATENING EMERGENCY ASSISTANCE, CALL 911.

After contacting 911, if required, all emergencies and injuries must be reported to the Association and/or the Manager.

15. Violation. Owners, Occupants, and their guests shall abide by and comply with Applicable Law, this Fitness Center Policy and all other Rules while present at or utilizing the Fitness Center and shall ensure that any minor or guest for whom they are responsible also complies with the same. Violation of this Fitness Center Policy or Rules and/or misuse or destruction of Fitness Center property, improvements or equipment may result in the suspension or termination of access rights to the Fitness Center as determined by the Association, in its sole discretion. The Association may pursue further legal action and restitution in regards to destruction of Fitness Center property, improvements or equipment.

16. Additional Restrictions. The Board reserves the right to amend these restrictions or impose additional restrictions on use of the Fitness Center as warranted.