

**Home Owners Association for
Cloud Country
Subdivision Unit-1, Inc.**

**Recreational Facilities
Rules & Guidelines**

(As of June 1, 2016)

Recreational Facilities Rules & Guidelines

Introduction:

The safety and enjoyment of the members of the community are the primary concern in the operation of the recreational facilities of the Home Owners Association for Cloud Country, hereafter known as the "HOA". If everyone shows courtesy and consideration for others in the use of the recreational facilities, and are respectful and watchful of others, only a minimum of rules and guidelines should be needed.

Entry & Recreational Facilities Use:

1. *Any person using the recreational facilities does so at their own risk.* The HOA is not responsible for accidents, injuries or loss of personal property. This responsibility lies with each user of the facility, each of whom shall be a homeowner and Association member.
2. The recreational facilities were designed and built for the primary use and recreation of the HOA, its members, and their guests.
3. Only Association members, their tenants, and their accompanied guests are permitted to use the recreational facilities.
4. The pool facility along with the associated restrooms and sitting area, require a key fob for access. Key fobs are available from the management company. Visit the Association website at: www.CloudCountryHOA.com for more information. Key fobs will only be issued after confirmation that an owner is in good standing with the Association; i.e. dues are current, and that no outstanding violations or fines exist, and then only after a waiver of liability is signed by each adult member (copy enclosed). Each household is limited to one key fob. Please do not loan your key fob to anyone. There will be a \$25.00 charge for a lost key fob or for reinstatement of a suspended key fob.
5. HOA members who are in arrears on their assessment fees may have their key fob access suspended until such time as the account is current and the designated key fob reprogramming charge is paid.

Guests:

1. Members in good standing may bring up to two (2) guests per lot at any one time. The host member must accompany their guest at all times, and is responsible for their guests conduct at all times.
2. A guest cannot be a non-paid member of the HOA; i.e. HOA members who have not paid their assessments.

Recreational Facility Conduct Rules:

1. Abusive, vulgar, or profane language and/or gestures are strictly prohibited.
2. Food and drinks are allowed only under the covered sitting area only. Only unbreakable non-glass containers are allowed in any recreational area of the Association.
3. Homeowners are responsible for maintaining the cleanliness of the recreational facilities. Glass, breakable items, and pets can be a safety hazard and are not allowed in the recreational facility areas. Please dispose of trash or recyclables in the proper containers provided.
4. No smoking of any kind, including vaping or e-cigarettes, is allowed at any of the recreational facilities at any time.
5. No alcoholic beverages of any kind are allowed in or around the recreational facilities. No one under the influence of alcohol or drugs will be allowed to use the recreational facilities at any time.
6. Skates, skateboards, rollerblades, bikes and similar devices are prohibited inside any of the recreational facilities.

7. Recreational facility users must be properly attired.
8. Amplified sound or sound devices are prohibited at all times at the recreational facilities.
9. The HOA is not responsible for accidents, loss or missing articles.
10. Anyone found to be in violation of the recreational facility policies is subject to having their recreational facilities usage rights suspended.

Swimming Pool Rules and Guidelines:

1. An Emergency phone is located to the right of the entrance gate to the pool facility. This phone is for emergency purposes only, and therefore can only dial 911.
2. HOA members sixteen (16) and up are allowed to use the pool without adult supervision.
3. HOA members under sixteen must be accompanied by an adult.
4. HOA members must be eighteen (18) or older in order to bring guests or youth fifteen (15) and under into the pool area.
5. **There are no lifeguards present at the pool.** Anyone using the pool shall be aware that you **SWIM AT YOUR OWN RISK.**

Pool Schedule and Hours of Operation:

1. Season: Pool is open March 1, and closes October 1.
2. Hours of Operation:
The pool is closed each Tuesday for cleaning.
Sunday, Monday, Wednesday, Thursday: **7:00 am to 9:00 pm**
Friday, Saturday: **7:00 am to 10:00 pm**
Please do not enter the pool prior to the posted hours of operation.
3. The pool is closed for winter: October through March. The HOA reserves the rights to close the pool at any time for emergency or repair purposes.

Pool Entry and Usage:

1. Any person using the pool does so at their own risk, and should never swim alone. There are no lifeguards present at this facility.
2. **Private pool parties are not allowed.** All HOA members shall be allowed access during the posted hours of operation.
3. All pool users are responsible for ensuring that the gate is properly locked and secured upon leaving the pool. Please do not allow others to “tailgate” in on your card as you access the facility. Do not prop the gate open for any reason; this is a significant safety issue. If the notice anything not working properly, please notify management. This information may be obtained on the Association website at: www.CloudCountryHOA.com.

Pool Conduct Rules:

1. This is a **NON-DIVING** facility. This is clearly marked on the decking of the pool. No diving includes using picnic tables, chairs, lounges, or any other object to aide in jumping into the pool.
2. No spitting or spouting water, dunking, running, scuffling or horseplay of any kind is allowed. Only soft inflatable type balls, such as beach balls, are allowed near or in the pool; no throwing balls (racquetballs, baseballs, footballs, etc.) or other objects which could hit or injure other members or guest are allowed in or near the pool.

3. No food, drink, bottles, or gum are allowed on the pool edge or in the pool. They will be permitted on the patio, lawn, and deck areas. Only unbreakable non-glass containers are allowed in the pool enclosure.
4. No glass face masks or goggles are allowed in the pool. Floating devices attached to the swimmer for safety are allowed in the shallow end only.
5. No animals are allowed in the pool enclosure except for authorized service animals, i.e. seeing eye dogs.
6. Pool users must be properly attired in acceptable swimwear. No thong bathing suits, cut-off pants, jean shorts or boxers are allowed.
7. Children in diapers must wear rubber pants or swim diapers at all times when in the pool.
8. Any person with a skin disorder or other infectious or contagious diseases shall not enter the pool. Children or adults with diarrhea in the past twenty-four (24) hours are not allowed in the pool.
9. To prevent/avoid chemical imbalance or filter problems with the water, please observe the following:
 - a. Towel or shower off suntan lotion or oil before entering the pool. Oil gums up tiles and dilutes the chemicals.
 - b. Braid hair, confine in a ponytail or bun, or wear a swim cap if hair is longer than shoulder length. Loose hair cannot be backwashed from the filter system and reduces its efficiency.

Parking:

Parking is provided in the parking lot adjacent to the pool facility. Overflow parking is allowed on the street adjacent to the parking lot. Make sure to park in the same direction as the flow of traffic.

Instructions: Please complete and return the completed Waiver, Release and Indemnification form below by one of the following methods:

- Email: manager@damctx.com
- Fax: 210-690-1125
- Mail: 14603 Huebner Road, Building 40
San Antonio, Texas 78230

Home Owners Association for Cloud Country Subdivision Unit-1

Waiver, Release and Indemnification

This Waiver, Release and Indemnification is made and executed as of the date below, by the undersigned Owner(s). Owner is a member of Home Owners Association for Cloud Country Subdivision unit-1, Inc. ("Association"). As a condition imposed by the Board of Directors of the Association prior to permitting Owner access to, and one (1) key fob for entry to, the Amenity Center and Swimming Pool, and in consideration thereof, Owner agrees and acknowledges:

Owner is at least 18 years of age and the Owner of the residence ("Residence") listed below. The residence is located in Cloud Country Subdivision, Comal County, TX ("Subdivision").

As a member of the Association, Owner is entitled to use and enjoy the Cloud Country swimming pool which includes, but is not limited to, the Swimming Pool, covered sitting area, restrooms. Owner's rights and privileges with respect to these assets are subject to the terms and conditions of the Deed Restrictions for the Subdivision and to any and all rules ("Rules") promulgated by the Board of Directors of the Association. Use of the swimming pool and recreational facilities by Owner, Owner's family (including children) Owner's guests or tenants, at all times requires following all of the Rules. Owner shall be solely and entirely responsible for compliance with any and all Rules by Owner, Owner's family (including children) and Owner's guests and tenants.

THERE IS NO LIFEGUARD ON DUTY AT THE SWIMMING POOL. OWNER, OWNER'S FAMILY (INCLUDING CHILDREN) AND OWNER'S GUESTS AND TENANTS ARE SWIMMING AT THEIR OWN RISK.

Owner, Owner's family (including children) and Owner's guests and tenants will not tamper with any lock, prop open any gate, or take any other action which would allow free access to the Amenity Center or Swimming Pool by any person.

Owner, on behalf of Owner, Owner's family (including children) and Owner's guests and tenants, HEREBY KNOWINGLY AND INTENTIONALLY WAIVES, RELEASES AND INDEMNIFIES AND HOLDS HARMLESS THE ASSOCIATION, ITS DIRECTORS, OFFICERS, AGENTS, EMPLOYEES, MANAGERS AND ATTORNEYS, THE DECLARANT UNDER THE DEED RESTRICTIONS ("DECLARANT"), THE MANAGEMENT COMPANY, ITS SUBSIDIARIES, ASSIGNS AND/OR RELATED COMPANIES ("MANAGERS"), AND ANY OTHER LOT OWNER IN THE SUBDIVISION (ALL ABOVE MENTIONED PARTIES COLLECTIVELY DEFINED AS "ASSOCIATION PARTIES"), from and against any claims for any injury to, or death of, any person, or any damages to any property, or other damages (including attorney's fees and court costs) in, upon or concerning the swimming pool, arising at any time and from any cause, except for any claims against any Association Party for any such damage, injury or death which arises out of gross negligence or willful misconduct of that Association Party. No Association Party shall be liable to Owner, Owner's family (including children) or Owner's guests or tenants, for any injury to, or death of, any person, or any damage to any property, or other damages (including attorney's fees and court costs), in, on or upon the swimming pool and improvements except to the extent, and only to the extent, that any such death, injury or damage is caused by the gross negligence or willful misconduct of that Association Party.

OWNER HAS CAREFULLY READ THIS WAIVER, RELEASE AND INDEMNIFICATION, KNOWS AND UNDERSTANDS ITS CONTENT, AND SIGNS IT AS HIS/HER FREE AND VOLUNTARY ACT. POOL CARDS WILL BE ACTIVATED **WITHIN ONE (1) BUSINESS DAY**.

Date: _____

Card # Issued: _____

Property Address: _____

Mailing Address (if different): _____

Signature (Owner 1)

Signature (Owner 2)

Printed Name

Printed Name

IF RESIDENCE WILL BE LEASED: Please list all tenants to receive card-. Tenants signing below also agree to the foregoing Waiver, Release and Indemnification:

Date: _____

Signature (Tenant 1)

Signature (Tenant 2)

Printed Name

Printed Name

Please list names of all family members (including birth year of family members if under eighteen) who will be using the swimming pool:

