

## EXHIBIT C

### AIRCRAFT OPERATIONS RULES AND REGULATIONS FOR COMFORT FALLS AVIATION ESTATES SUBDIVISION

These rules and regulations have been adopted by Comfort Falls Development LP to provide for the efficient and safe operation of the Comfort Falls Aviation Estates (hereinafter referred to as the "Airport"); providing that no person except Declarant and/or assignee of Declarant shall use the Airport for the conduct of commercial activities, for instruction in aviation, for sale of any commodities, etc. unless approved in writing by the Comfort Falls Aviation Estates Homeowners Association (hereinafter referred to as the "Association"); providing general rules and regulations for use of the Airport; regulating air and ground traffic; regulating the use of aircraft; providing for fire regulations; and providing penalties for violations; all as authorized by Chapter 22 of the Transportation Code. Comfort Falls Development LP will employ a manager of the Airport (hereinafter referred to as the "Airport Manager" to oversee the operations of the facility and assist in the application of these Aircraft Operations Rules and Regulations.

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#### SECTION 1. USE OF AIRPORT RESTRICTED

No person, partnership, firm, association, corporation or entity, incorporated or otherwise, except Declarant and/or assignee of Declarant shall use the Airport for any commercial activity, unless approved by a written permit from the Association or its duly authorized agent

#### SECTION 2. GENERAL RULES AND REGULATIONS

The following rules and regulations shall be observed in the use, operation, and conduct of the Airport:

**Rule 1. Federal Air Traffic Rules** of the Federal Aviation Administration (FAA) for aircraft operated within the United States, and presently or hereafter effective, are hereby referred to, adopted, and made a part hereof as though full set forth and incorporated

herein.

**Rule 2. Safeguard of Persons and Property** – The Airport Manager shall at all times have authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the Airport.

**Rule 3. Hangars** and other buildings or structures owned by Comfort Falls Real Estate LP (hereinafter referred to as the “CFRE”) may be leased to private individuals, companies, or corporations on a monthly or yearly basis for the storage of aircraft and ancillary equipment or to conduct a commercial Fixed Base Operation (FBO).

**Rule 4. Lease of Airport Property** – CFRE may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, aprons, taxiways, and auto parking lots in accordance with an approved Airport Master Plan/Airport Layout Plan. Aviation related use must be given priority in the use of all leased or privately owned property, buildings, or structures.

A. No leases will be written for a primary period in excess of twenty (20) years, without the written approval of CFRE and then only for the length of a mortgage in excess of twenty (20) years obtained from a lending institution by the mortgagee/FBO to construct such building(s) or hangar(s) on the Airport for which the mortgage was obtained.

B. Leased property on the Airport may be subleased by the lessee only with written approval of CFRE.

C. No hangar or structure may be erected within the building restriction line or in conflict with the approved Airport Layout Plan.

D. All construction must be authorized by CFRE and Airport Architectural Approval Committee (hereinafter referred to as the “AAC”) and must be of a compatible standard capable of withstanding winds of 85 mph, with doors open or closed. Furthermore, all structures must comply with any and all County building codes, and applicable airport compatible land use or zoning ordinances/orders, and the approved Airport Layout Plan.

E. **“Through the Fence” Operations Prohibited** – No private individual, partnership, FBO, company, corporation, or body politic shall be permitted direct ground access to the Airport by their aircraft, customers’ aircraft, or private vehicle from property adjacent to or in the immediate vicinity of the Airport. Furthermore, no private individual, partnership, company, corporate, body politic, or customers’ aircraft or vehicle shall be permitted direct ground access to property from the Airport – a practice commonly known as a “through the fence operation.” Under extenuating circumstances, the Airport Manager may request approval from the Association for certain through the fence operations on a case by case basis.

**Rule 5. Lien for Charges** – To enforce the payment of any charge made for repairs, improvements, storage, or care of any personal property made or furnished by the Airport or its agents in connection with the operation of the Airport, the Association may have a

lien upon such personal property, which shall be enforceable as provided by law.

**Rule 6. Lien Possessory Right-** To enforce the payment of any such charge, the Airport Manager may retain possession of such personal property until all reasonable, customary, and usual compensation has been paid in full.

**Rule 7. Unauthorized Signs and Equipment** – No signs, non-aeronautical equipment, portable buildings, or trailers may be erected, moved-in, or installed on Airport property, except as may be specifically authorized by the HOA.

**Rule 8. Surreptitious Activities** – Any person observing suspicious, unauthorized or criminal activities should report such activities immediately to the Airport Manager, local police, officers of the Texas Department of Public Safety, or other police officers.

**Rule 9. Wrecked Aircraft** – Every aircraft owner, his/her pilot, or agents, shall be responsible for notifying FAA and promptly removing disabled or wrecked aircraft from the operational areas of the Airport, under the direction of the Airport Manager.

**Rule 10. Repairs to Aircraft** – No aircraft shall be repaired on any part of the landing or takeoff area. All outside repairs shall be made only at places designated by the Airport Manager for such purpose. Any maintenance authorized by FAR Part 43 may be made by the owner or operator of any aircraft, but only within a hangar leased or owned by that aircraft owner or operator or at places designated by the Airport Manager for such purpose.

**Rule 11. Agricultural Spraying Operations** – Agricultural (Ag) spraying operations will be prohibited anywhere on the Airport.

**Rule 12. Glider Operations** – Non-self-powered glider operations and aircraft with wingspan of over 60 feet are prohibited. Powered gliders (i.e., those equipped with retractable engines/propellers) may be operated at the Airport.

**Rule 13. Damage to Airport** – Any person, individual, or corporation or the owner of any aircraft causing damage of any kind to the Airport, whether through violation of any of these rules, through vandalism, or any act of negligence, shall be liable therefore in and to HOA.

**Rule 14. Injury to Person** – Persons entering upon the Airport ground side property by automobile, other vehicular conveyance, or pedestrian traffic (does not include persons in aircraft using approved air side facilities) do so at their own risk and with no liability incurring to Airport, Association and CFRE for any injury or damage to person or property. Further, any person desiring to use the Airport shall observe and obey all valid laws, resolutions, orders, rules, and regulations promulgated and enforced by Airport, Airport Manager, Association and CFRE or by any other Authority having jurisdiction over the conduct and operation of the Airport.

**Rule 15. Licensed Pilots** – Only properly registered aircraft and persons holding current airman certificates issued by the FAA shall be authorized to operate aircraft, including light sport aircraft, upon the Airport except as provided in these rules and regulations. Note: Use of the Airport by ultralight aircraft shall be subject to approval by Association and shall be in accordance with FAR Part 13 and any other rules established by the

Association.

**Rule 16. Registration** – Each person owning an aircraft based at the Airport, shall register at the office of the Airport Manager their name, address, telephone number, aircraft model, aircraft registration “N” number, and the name, address, and telephone number of their next of kin or person to be notified in case of an accident or emergency.

**Rule 17. Intoxicants and Narcotics Prohibited** – No person under the influence of any intoxicant, narcotic, or other illicit drug shall operate or fly in any aircraft to or from the Airport. Such prohibition shall not apply to a passenger under the care of a medical doctor and accompanied by a doctor, nurse, or caretaker.

**Rule 18. Foreign Objects** – No foreign objects, including bottles, cans, scrap, nuts, bolts, nails, or any object that may cause damage to an aircraft, shall be left upon the floor of any building or upon any part of the surface area of the Airport. Individuals are encouraged to pick up such foreign objects when observed and place them in a trash receptacle.

### **SECTION 3. GROUND OPERATIONS**

**Rule 19. Air and Ground Traffic – Vehicular Traffic** – All vehicular traffic on the Airport shall be confined to streets, roads, and avenues of passage designated and provided for that purpose and shall not be operated at a speed in excess of 25 miles per hour for cars trucks motorcycles and ATV type vehicles, Aircraft are restricted to a maximum of 15 Miles per hour except for operation on the runway. Official vehicles and aircraft only will be driven on the landing area. Special use vehicles such as an ambulance, hearse, or delivery van may be driven on the apron with the permission of the Airport Manager. An aircraft owner who rents, leases, or owns his/her private hangar may park his/her automobile in the hangar while on a trip in his/her aircraft. No bicycles, skateboards, go-carts, or any other wheeled vehicle, or anyone under the age of 16, is allowed on the runway. ANY VIOLATION REGARDING USE OF OR CROSSING OF THE RUNWAY WILL RESULT IN A FINE OF \$100 PER INCIDENT.

#### **Rule 20. Fueling of Aircraft**

- A. Aircraft shall not be fueled while the engine is running or while in a hangar or other enclosed place
- B. Prior to making any fueling connection to an aircraft, the fueling equipment (fuel pump, hydrant servicer, fuel truck) shall be bonded to the aircraft by use of a cable suitable for that purpose and approved by the local Fire Marshal. The bond shall be made prior to fueling and maintained until fueling is completed and fuel connections have been removed. In addition, when fueling, only metal funnels, if required, shall be used for fueling. Bonding and fueling connections shall be disconnected in the reverse order of connection after fueling is completed.
- C. All aircraft shall be fueled clear of all hangars, other buildings, and aircraft by at least fifty (50) feet.

D. Fueling trucks shall not be parked within any building or hangar or within 20 feet of any building, hangar, or parked aircraft (the local Fire Marshal shall have final authority as to determining such distance). Fuel trucks shall be parked with at least ten (10) feet separation between vehicles.

E. No fuel storage tanks for below-ground or above-ground use will be constructed on the Airport except at the FBO. Aviation or auto fuels shall not be stored within a hangar or building except in small quantities and in approved containers manufactured and marked for such purpose and only with the approval of the local Fire Marshal.

**Rule 21. Tiedown of Aircraft**

A. All aircraft not hangared shall be tied down and the wheels chocked at night and during inclement weather.

B. All aircraft owners or their agents are responsible for the tiedown or security of their aircraft at all times and particularly during inclement weather.

C. Aircraft parked overnight on the transient apron shall pay a tiedown fee as determined by the FBO and market standards for each night, except that such fee may be waived upon purchase of fuel or services.

**Rule 22. Running Aircraft Engines**

A. Aircraft not equipped with adequate brakes shall not be started until the wheels have been set with chocks attached to ropes or other suitable means of removing them.

B. No aircraft shall be hand propped, started, or left running without a qualified person at the controls.

C. No aircraft engine shall be started or run inside any building or hangar.

D. No engine shall be started, run up, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings, other aircraft, livestock and people.

**Rule 23. Damage to Runway Lights** – Any person damaging any runway or taxiway light or fixture by operation of aircraft or otherwise, shall immediately report such damage to the Airport Manager. Persons causing damage to runway and taxiway lights as a result of negligent operation of an aircraft or willful acts will be liable for replacement cost of the light(s) and/or fixture(s) and may be charged with a misdemeanor as provided in Section 8 hereunder.

**Rule 24. Taxiing Aircraft**

A. No person shall taxi an aircraft until he/she has reasonably ascertained there will be no danger of collision with any person or object in the immediate area.

B. Aircraft will be taxied at a safe and prudent speed (not to exceed 15 MPH and/or 1,000 RPM), and in such manner as to be under the control of the pilot at

all times and to minimize noise during taxiing operation.

C. Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant (wing-walker) is at a wing of the aircraft to assist the pilot.

D. Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land or on the ground in takeoff position. Aircraft waiting on the taxiway for another aircraft to take off or land will remain behind the runway holding position markings.

E. Aircraft shall not be taxied by engine power into or out of a hangar or T-hangar.

#### **Rule 25. Parking Aircraft**

A. Unoccupied aircraft shall not be parked or tied down within any protected area (object free area, runway safety area, etc.) as described in FAA Advisory Circular 150/5300-13 and all aircraft not hangared shall be parked in the areas designated by the Airport Manager for that purpose.

B. Aircraft shall not be parked within fifty (50) feet of an aircraft fuel pump or fuel service truck parking area.

C. Aircraft shall not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport Manager as an emergency measure.

D. Because of potential severe winds common to the area, it is the responsibility of the pilot when leaving a parked aircraft unattended to see that the brakes are set and/or it is properly chocked and/or tied down.

**Rule 26. Loading/Unloading Aircraft** – Pilots are prohibited from loading or unloading aircraft with the engine running, except as stated in Rule 22 herein.

### **SECTION 4. TAKEOFF AND LANDING RULES**

**Rule 27. Authority to Suspend Operations** – The Airport Manager may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety, provided operations under instrument meteorological conditions may be continued by properly instrument-rated pilots following appropriate flight rules.

**Rule 28. Active Runway** – If the winds are calm or at a ninety (90) degree crosswind to the Runway, take off and land on Runway 17.

**Rule 29. Clearing Street** – No aircraft shall land or take off in such manner as to clear any public street or highway at an altitude of less than fifteen (15) feet, nor land or take off on the taxiway or over hangars or other structures, automobile parking areas, or groups of spectators.

**Rule 30. UNICOM** – All pilots with radio equipped aircraft shall call on the local UNICOM frequency 122.XX (the FCC assigned frequency) to determine the active

runway and to announce their position and intentions for takeoff or landing. If no UNICOM frequency is assigned to the airport, pilots of radio equipped aircraft taking off or landing at the Airport should report their intentions on the MULTICOM frequency 122.XX.

**Rule 31. Emergency Locator Transmitter (ELT)**

A. Immediately after takeoff and after landing prior to engine shutdown, pilots should tune their aircraft radios to the emergency frequency (121.5 or 243.0) and listen to determine if their aircraft's emergency locator transmitter (ELT) is transmitting. If the ELT turned on and transmitted after a takeoff or landing, as soon as possible after turning it off, advise the FAA Automated Flight Service Station for the area at telephone number 800-WX-BRIEF (800-992-7433) that your ELT accidentally turned on at the approximate time and coordinates, if known, and the time and coordinates it was turned off.

B. If a pilot lands an aircraft at the Airport, parks and locks or hangars the aircraft with the ELT transmitting and the Airport Manager determines such has occurred, the Airport Manager shall take immediate action to telephone and/or locate the pilot of the aircraft, advise him/her of the situation, and request that the pilot return to the Airport immediately and turn off the ELT. Should the Airport Manager be unable to locate the pilot or if the pilot is unable to return to the Airport within a reasonable time to turn off the ELT, the Airport Manager, accompanied by a local peace officer, a Civil Air Patrol officer, or an FAA representative, shall take the necessary action to turn off the ELT, provided the action does not result in damage to the aircraft. The aircraft owner shall be responsible for all charges associated with turning off the ELT.

**Rule 32. Takeoffs on Apron or Taxiways** – Takeoffs or landings shall not be made on the apron, parking ramp, or taxiway by fixed-wing, rotary-wing, or ultralight aircraft except by special permission of the Airport Manager.

**Rule 33. Takeoffs Allowed** – Touch-and-go landings may be made at the discretion of the pilot, but in no case may a pilot execute more than 3 in one 24-hour period. Pilots remaining in the pattern making touch-and-go landings should broadcast on the UNICOM or Common Traffic Advisory Frequency (CTAF) their pattern turns and their touch and go intentions after turning final. All aircraft shall clear for landing and takeoff traffic before taxiing into takeoff position.

**Rule 34. Traffic Pattern Altitude** – Traffic pattern elevation at the Airport is 800 feet above ground level (AGL) for small aircraft, which is 2300 feet above mean sea level (MSL) elevation. For all turbine aircraft, traffic pattern elevation at the Airport is 1000 feet above ground level (AGL), which is 2500 feet above mean sea level (MSL) elevation.

**Rule 35. Student Training and Practice Flying**

C. No commercial flight instruction or Flight schools will be permitted at the airport except proficiency exams such as Biannual Flight Review and instruction required for maintaining current ratings. Touch-and-go landings by student pilots

are prohibited.

D. Aircraft shall not be permitted to remain on the landing or takeoff areas for the purpose of instruction.

### **Rule 36. Special Procedures**

E. The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows, gliders, ultralights, etc. Any such change from standard procedures shall be published in the FAA's Airport/Facility Directory if of a permanent nature or the Airport Manager shall issue a NOTAM if such change is of a temporary nature.

F. Parachute jumping on to the Airport property shall not be permitted without the recommendations of the Association.

G. Low altitude fly-byes prior to landing are strongly recommended to ensure clear access to the runway surface. Fly-byes will be limited to 100 knots true airspeed.

H. Until and unless appropriate runway lighting is installed, night operations at the Airport are discouraged. In addition, Airport operations are prohibited after 10:30 p.m. and prior to 5:00 a.m., unless prior, written approval for such operation is obtained from the Airport Manager.

**Rule 37. Flying of Model Airplanes** – Engine powered model airplanes, cable or radio controlled, or model gliders shall not be permitted to operate, take off or be launched from, flown over, flown in the terminal area of, or land within 500 feet of the runway.

## **SECTION 5. FIRE REGULATIONS**

### **Rule 38. Applicable Rules**

A. Every person going upon or using the Airport or its facilities in any manner shall exercise the greatest care and caution to avoid and prevent fire.

B. Smoking or open flame within fifty (50) feet of any fuel tank, fuel pump, or fuel truck is prohibited.

C. Compressed flammable gas shall not be kept or stored upon the Airport, except at such place as may be designated by the Airport Manager.

D. No flammable substance shall be used for the cleaning of any aircraft part or other thing inside a hangar, T-hangar, or other building upon the Airport.

E. No one shall smoke or ignite a match or lighter in any building or hangar, except in posted "Designated Smoking Areas" identified by the Airport Manager.

F. Hangar entrances shall be kept clear at all times.

G. The floors in all buildings shall be kept clean and free of oil. Volatile, flammable substances shall not be used for cleaning the floors.



H. No boxes, crates, cans, bottles, paper, tall grass, weeds, unusable airplane parts or wreckage, scrap wood or metal, discarded airplane or automobile tires, trash, or other litter shall be permitted to accumulate in or about a hangar, building, or other leased space. If such trash and litter is permitted to accumulate around a private owned, rented, or leased hangar/building, the Airport Manager shall notify the hangar/building owner, renter or lessee by registered letter to remove the offending litter. If within ten (10) work days after receipt of the letter the hangar/building owner, renter, or lessee has not removed the trash and litter as directed, the Airport Manager may have the area cleaned and the cost for such cleaning shall be charged to the hangar/building owner, renter, or lessee.

I. Prior to the fueling of any aircraft, the aircraft shall be bonded to the fuel pump or hydrant service/fuel truck to equalize the static electrical potential between the fueler and the aircraft. Bonding shall be accomplished in the interest of fire safety as described in Section 3, Rule 19.B.

J. A sufficient number, rating, and size of fire extinguishers shall be available whenever aircraft are being refueled.

K. Aircraft fuel service trucks shall have a minimum of two 20B fire extinguishers located at the rear of and on each side of such truck.

L. Aircraft fuel service trucks shall have an “Emergency Cut-Off” valve which shall be clearly identified and painted red.

M. All aviation fuel nozzles shall have “dead man” controls which will shut off the fuel flow when the nozzle hand control is released. Nozzles with mechanical hold open devices will not be permitted for fueling aircraft.

N. The pilot and passengers will exit the aircraft and the aircraft will be unoccupied during fueling operations, except as provided in Rule 19.A.

O. In all matters related to aircraft fueling safety, the provisions of Manual 407 – “Standard for Aircraft Fuel Servicing, 2001 edition,” (or as revised) published by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy MA 02269-9101, 800-344-3555, shall prevail.

## **SECTION 6. KNOWLEDGE OF RULES IMPLIED**

All persons that utilize the Airport facilities shall be deemed to have knowledge of these rules and regulations. Copies of these rules and regulations shall be available at all times in the Airport Manager’s office, and copies shall be furnished to all owners and operators of aircraft based at the airport.

## **SECTION 7. CONFLICT OF RULES AND REGULATIONS**

If and where there are conflicts in the rules and regulations prescribed herein and the FAA’s Federal Aviation Regulations (FAR), the latter shall prevail. If and where there exists a conflict

between any of the rules or regulations prescribed herein and any other County rules applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

#### **SECTION 8. PENALTY FOR VIOLATION**

The Airport Manager, or his or her designee, may deny use of the Airport for a period not exceeding fifteen (15) days and/or levy a fine not to exceed \$100 per incident for any person violating or refusing to comply with any of the rules or regulations prescribed herein. Such person may be deprived of the further use of the Airport and its facilities for a period of time as may appear necessary for the protection of life and property. This section is cumulative of all other penalties for violation of Federal, State, and local laws, rules, regulations, ordinances, and orders.

#### **SECTION 9. SEVERABILITY**

If any of the provisions of these Aircraft Operating Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end the provisions of these Aircraft Operating Rules and Regulations are declared to be severable.