

MANAGEMENT CERTIFICATE

STATE OF TEXAS

COUNTY OF MATAGORDA

KNOW ALL MEN BY THESE PRESENTS:

Name of Subdivision: SELKIRK ISLAND

Name of Association: SELKIRK MAINTENANCE – SECTION 1, II, & ADDITION A, INC.

Recording Data for Subdivision:

SELKIRK ISLAND, SECTION I, a subdivision in Matagorda County, Texas, according to the map or plat of which is recorded in Volume 6, Pages 23, 24 and 25, recorded under Clerk's File No. 1970-95514.

SELKIRK ISLAND, SECTION II, a subdivision in Matagorda County, Texas, according to the map or plat of which is recorded in Volume 6, Page 57 et seq., recorded under Clerk's File No. 1972-2053.

SELKIRK ISLAND, SECTION II, AMENDED PLAT, a subdivision in Matagorda County, Texas, according to the map or plat of which is recorded in Volume 6, Page 59 et seq., recorded under Clerk's File No. 1972-2400.

SELKIRK ISLAND, SECTION II, REPLAT OF AMENDMENT, a subdivision in Matagorda County, Texas, according to the map or plat of which is recorded in Volume 7, Pages 1 and 2, recorded under Clerk's File No. 1972-3199.

SELKIRK ISLAND, ADDITION A, a subdivision in Matagorda County, Texas, according to the map or plat of which is recorded in Volume 6, Page 36, recorded under Clerk's File No. 1971-99301.

Recording Data for Declaration:

Declaration of Covenants, Conditions and Restrictions for Selkirk Island, Section I, a Subdivision in Matagorda County, Texas, bearing County Clerk's File No. 1970-95590, recorded under County Deed Records Volume 486, Pages 912-918; and

Declaration of Covenants, Conditions and Restrictions for Selkirk Island, Section II, a Subdivision in Matagorda County, Texas, bearing County Clerk's File No. 1972-3504, recorded under County Deed Records Volume 507, Pages 16-19; and

Declaration of Covenants, Conditions and Restrictions for Selkirk Island, Additional A, a Subdivision in Matagorda County, Texas, bearing County Clerk's File No. 1971-99747, recorded under County Deed Records Volume 495, Pages 873-876.

Mailing Address of Association: P. O. Box 2101, Bay City, Texas 77404; Association is self-managed; Designated representative is Bruce Richardson, whose address, telephone number and email address are: 3308 7th Street, Bay City, Texas 77414; 713-384-3268; bruce@TXASSETL.COM

Association Information: Located along the eastern shore of the Colorado River within Matagorda County, Texas; Articles of Incorporation filed with Secretary of State September 28, 1992; Charter No. 01246126.

Fees: Transfer Fee is \$250.00; Resale Certificate is \$250.00; Resale Certificate Update is \$200.00.

This organization may also be reached via Treece Law Firm, P.C., 1020 Bay Area Boulevard, Suite 200, Houston, Texas 77058; phone: 281-667-3100, Michael J. Treece, Esq.; email address: mike@treecelaw.com

Note: This Management Certificate does not list all dedicatory instruments and/or governing documents of the Association, and is not to be relied on as an exhaustive list. This Management Certificate is filed/recorded in compliance with the mandate of, and to meet the requirements of, Section 209.004 of the Texas Property Code.

The Association's Dedicatory Instruments are available to members for viewing online at: www.selkirkisland.org/selkirk-maintenance/

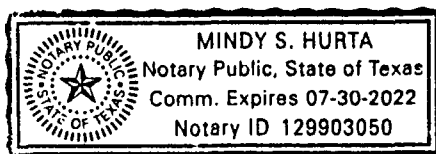
EXECUTED this 21 day of April, 2022.

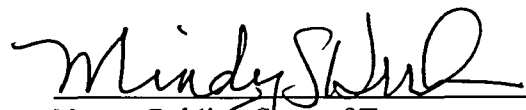
Selkirk Maintenance – Section I, II, & Addition A, Inc.


By: Bruce Richardson, Director

STATE OF TEXAS }
COUNTY OF Matagorda }

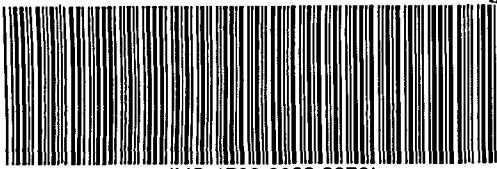
The foregoing instrument was acknowledged before me by the said Bruce Richardson, in his official capacity as Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., on this 21 day of April, 2022, on behalf of said Association.




Notary Public - State of Texas

Return to:

Prepared by:
Treece Law Firm, P.C.
1020 Bay Area Blvd., Suite 200
Houston, Texas 77058



VG-1788-2022-2976

**Matagorda
County
Stephanie Wurtz
Matagorda County
Clerk**

***** THIS PAGE IS PART OF THE INSTRUMENT *****

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.

File Information:

Document Number: 2976
Receipt Number: 20220506000021
Recorded Date/Time: May 06, 2022 11:46 AM
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Station: Gloria Gonzalez
Number of Pages: 3

Record and Return To:

TREECE LAW FIRM, P.C.
1020 BAY AREA BLVD, SUITE 200

HOUSTON TX 77058



STATE OF TEXAS
COUNTY OF MATAGORDA

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Matagorda County, Texas.

Stephanie Wurtz
Matagorda County Clerk
Matagorda County, TX

Stephanie Wurtz

RESOLUTION REGARDING ADOPTION OF

2

2

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WHEREAS, the Selkirk Maintenance – Section I, II, & Addition A, Inc. (“the Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the Association's By-Laws, and the respective Declaration of Covenants, Conditions & Restrictions encumbering all properties governed by Selkirk Maintenance – Section I, II, & Addition A, Inc. (collectively referred to as “the Declarations”);

WHEREAS, Section 202.018 of Chapter 202 of the Texas Property Code was amended by the 87th Legislature, addressing the regulation of display of certain religious items; and

WHEREAS, the Board of Directors of the Association (“the Board”) has determined that in keeping with the new laws, and in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of certain religious items therein, it is appropriate for the Association to adopt amended guidelines regarding the display of certain religious items within the community.

NOW, THEREFORE, BE IT RESOLVED that the Board has duly adopted the following Amended Guidelines for Display of Certain Religious Items within the community.

1. A property owner or resident may display or attach one or more religious items to their property or dwelling. Such items may include any item related to any faith that is motivated by the resident's sincere religious belief.
2. To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
 - a. threaten public health or safety; or
 - b. violate a law other than a law prohibiting the display of religious speech; or
 - c. contain language, graphics or any display that is patently offensive to a passerby for reasons other than its religious content; or
 - d. be installed on property that is:
 - (i) owned or maintained by the Association; or
 - (ii) owned in common by members of the Association;
 - e. violate an applicable building line, right-of-way, or easement; or
 - f. be attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

3. Approval from the Architectural review authority / committee is not required for displaying religious items in compliance with these amended guidelines. The display of items which do not fall within the above-stated provisions requires submission of an appropriate application and pre-approval of the Association and/or its Architectural review authority / committee.

These amended guidelines are effective upon being recorded in the Official Public Records of Real Property of Harris County, and supersede any guidelines for certain religious items which may have previously been in effect. Except as affected by Section 202.018 of the Texas Property Code and/or by these amended guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association are not affected hereby, and shall remain in full force and effect.

Adopted by the Board on this 12th day of MARCH 2022.

CERTIFICATION

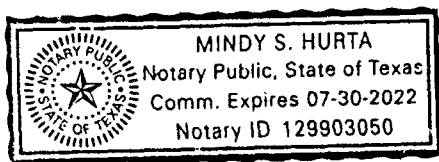
"The undersigned, being a Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., hereby certify that the foregoing Resolution regarding Adoption of Amended Guidelines for Display of Certain Religious Items – 2022 was adopted by the Board of Directors of Selkirk Maintenance – Section I, II, & Addition A, Inc., at a meeting of such Directors at which a quorum was present, or as otherwise authorized by law."

Peter N. Jessup
Director, Selkirk Maintenance –
Section I, II, & Addition A, Inc.

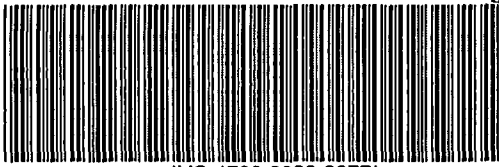
STATE OF TEXAS §
COUNTY OF Matagerda §

Before me, the undersigned authority, on this day personally appeared Patrick N. Jessup, Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said entity for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 21 day of April, 2022.



Mindy S. Hurta
Notary Public, State of Texas
Mindy S. Hurta
Printed Name



VG-1788-2022-2977

**Matagorda
County
Stephanie Wurtz
Matagorda County
Clerk**

***** THIS PAGE IS PART OF THE INSTRUMENT *****

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.

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1020 BAY AREA BLVD, SUITE 200

HOUSTON TX 77058



STATE OF TEXAS
COUNTY OF MATAGORDA

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Matagorda County, Texas.

Stephanie Wurtz
Matagorda County Clerk
Matagorda County, TX

Stephanie Wurtz

**RESOLUTION REGARDING ADOPTION OF
SECURITY MEASURES POLICY
SELKIRK MAINTENANCE – SECTION I, II & ADDITION A, INC.**

WHEREAS, the By-Laws governing Selkirk Maintenance – Section I, II, & Addition A, Inc., (“the Association”), as well as the Association’s Articles of Incorporation, the respective Declaration of Covenants, Conditions and Restrictions encumbering all properties which are governed by the Association (the “Declaration”) and all amendments and supplements thereto, and the Texas Business Organizations Code, authorize the Association, acting through its Board of Directors, to exercise all powers reasonable and necessary for the governance and operation of the Association;

WHEREAS, the Texas Property Code further authorizes the Association to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision, and the properties within same;

WHEREAS, the Texas Property Code provides that the Association may exercise other powers necessary and proper for the governance and operation of the Association;

WHEREAS, Chapter 202 of the Texas Property Code was amended to add Sections 202.022 and 202.023, addressing the regulation of Security Measures; and

WHEREAS, the Board of Directors of the Association (“the Board”) has determined that in keeping with the new laws, and in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding surveillance cameras which are installed on any Lot, and with regard to the construction / installation of fences to be located forward of the front portion of a home on any Lot.

NOW, THEREFORE, BE IT RESOLVED that the attached Security Measures Policy is hereby adopted on behalf of the Association, to become effective upon being recorded in the office of the County Clerk.

Adopted on this 12th day of MARCH, 2022.

SELKIRK MAINTENANCE – SECTION I, II & ADDITION A, INC.

CERTIFICATION

“The undersigned, being a Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., hereby certify that the foregoing Resolution Regarding Adoption of Security Measures Policy was adopted by the Board of Directors of Selkirk Maintenance – Section I, II, & Addition A, Inc., at a meeting of such Directors at which a quorum was present, or as otherwise authorized by law.”

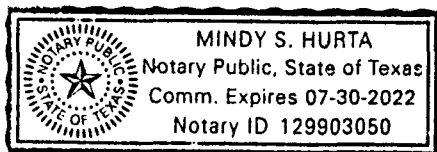
By: Patrick N Jessup
Director, Selkirk Maintenance – Section I, II, & Addition A, Inc.

Print Name: Patrick N Jessup

STATE OF TEXAS §
COUNTY OF Matagorda §

Before me, the undersigned authority, on this day personally appeared Patrick N Jessup, a Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said entity for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 21 day of April, 2022.



Mindy S. Hurta
Notary Public, State of Texas

**SELKIRK MAINTENANCE – SECTION I, II & ADDITION A, INC.
SECURITY MEASURES POLICY**

Installation, Placement and Maintenance of Cameras and Motion Detectors

At this time, Architectural Control Committee (“ACC”) approval is not required to install security cameras and/or motion detectors within a home or garage.

Exterior cameras and/or motion detectors should be installed in such a manner, to the extent possible, that such devices do not extend or exceed beyond the trim / eaves of the home. Such items should be either black, white, or metallic in color. All other colors require pre-approval of the ACC. In addition, the position of any such camera should, to the extent possible, not invade the privacy of neighbors. In the event that a neighbor should complain to the ACC, a revision and/or adjustment of the cameras’ location and angle may be requested. Cameras must be positioned so as to not willfully intrude on another homeowner’s property or privacy without express written consent of that homeowner, nor in any manner which would invade privacy of a neighbor. Cameras shall not be pointed in a direction of any room or space which a neighbor would reasonably expect to be private.

Camera “viewing area” or “scope of coverage” should be restricted to the following portions of a Lot: between the front door of a home and the street curb; the front lawn area; the back door and back lawn areas; rear patio areas; areas where owner / tenant automobiles are parked; areas where air conditioning and/or pool equipment are located; and, garage areas.

The installation of any camera or motion detector on property other than the owner’s private property is prohibited. Cameras and/or motion detectors may be installed on the exterior of private homes only. Such devices shall be mounted flush with the exterior siding / fascia, to the extent possible. Installation of such devices in/on trees, poles, tripods, free-standing poles and/or similar items is not allowed. Property owners are not allowed to install any such device on common area property and/or property which is owned and/or maintained by the Association.

The Association is not involved in regulating, monitoring or otherwise policing an owner’s viewing, keeping, sharing or other use of recorded materials, video footage, still photos and the like. The Association expressly objects to any illegal or improper use of recorded materials. In connection with each application for the approval of installation of one or more exterior cameras, the Association may require an owner to execute an appropriate Release form, to be promulgated by the Association and/or its Board of Directors, inasmuch as the Association is in no way responsible for any use of recorded materials, improper camera placement, nor any invasion of privacy.

Construction / Installation of Perimeter Fences

Perimeter / security fences shall comply with existing restrictive covenants, Bylaws, Policies and/or Guidelines adopted by the Association. Fences shall be properly maintained and kept in good repair at all times.

Swimming Pool Enclosures

Safety enclosures, placed or installed in a manner which serves to surround any swimming pool, spa or other water feature, are permitted. Such enclosures must be constructed of black mesh, transparent mesh or clear panels, set in metal frames, and shall not exceed six feet (6') in height. Such enclosures should conform with applicable state or local safety requirements. Enclosures which are black in color, or which are transparent, and consist of transparent mesh set in metal frames are acceptable, and do not require ACC approval. Colors other than black shall not be installed unless ACC approval is first obtained.

Return To:

**Treece Law Firm
1020 Bay Area Boulevard
Suite 200
Houston, Texas 77058**



VG-1788-2022-2978

**Matagorda
County
Stephanie Wurtz
Matagorda County
Clerk**

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HOUSTON TX 77058



STATE OF TEXAS
COUNTY OF MATAGORDA

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Stephanie Wurtz
Matagorda County Clerk
Matagorda County, TX

Stephanie Wurtz

**RESOLUTION REGARDING ADOPTION OF
BID PROCESS POLICY
SELKIRK MAINTENANCE – SECTION I, II & ADDITION A, INC.**

WHEREAS, the By-Laws governing Selkirk Maintenance – Section I, II, & Addition A, Inc., a Texas non-profit corporation and “property owners association” as such term is defined under Texas law (“the Association”), as well as the Association Articles of Incorporation, the respective Declaration of Restrictions for Selkirk Island, Sections I, II and Addition A, subdivisions in Matagorda County, Texas (the “Declarations”) and all amendments and/or supplements thereto, and the Texas Business Organizations Code, authorize the Association, acting through its Board of Directors, to exercise all powers reasonable and necessary for the governance and operation of the Association;

WHEREAS, the Texas Property Code provides that the Association may exercise other powers necessary and proper for the governance and operation of the Association;

WHEREAS, Chapter 209 of the Texas Property Code was amended to add Section 209.0052(c), addressing contracts for services that will cost more than \$50,000.00; and

WHEREAS, the Board of Directors of the Association (“the Board”) has determined that in keeping with the new laws, the adoption of the below-stated Bid Process Policy is in the best interest of the community and its members.

NOW, THEREFORE, BE IT RESOLVED that the attached Bid Process Policy is hereby adopted on behalf of the Association, to become effective upon being recorded in the office of the County Clerk.

Adopted on this 21 day of April, 2022.

SELKIRK MAINTENANCE – SECTION I, II & ADDITION A, INC.

CERTIFICATION

“The undersigned, being a Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., hereby certify that the foregoing Resolution Regarding Adoption of Bid Process Policy was adopted by the Board of Directors of Selkirk Maintenance – Section I, II, & Addition A, Inc., at a meeting of such Directors at which a quorum was present, or as otherwise authorized by law.”

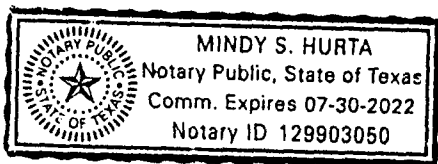
By: Patrick N. Jessup
Director, Selkirk Maintenance – Section I, II, & Addition A, Inc.

Print Name: PATRICK N JESSUP

STATE OF TEXAS §
COUNTY OF Matagorda §

Before me, the undersigned authority, on this day personally appeared Patrick N Jessup, a Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said entity for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 21 day of April, 2022.



Mindy S. Hurta
Notary Public, State of Texas

**SELKIRK MAINTENANCE – SECTION I, II & ADDITION A, INC.
BID PROCESS POLICY**

The Board of Directors will actively seek bids within the parameters of this Policy to manage Association expenditure and budget controls. Bidding will be in accordance with the guidelines set forth within this Policy.

A Competitive Bid procedure will be used when:

- The anticipated cost of a proposed contract will exceed Fifty Thousand (\$50,000.00) dollars.

Bid Package Requirements:

The Board's request for bids may include such information as the Board deems necessary, which may include some or all of the following:

- Outline / Scope of Work to be performed.
- A targeted work completion date.
- A request for itemization of materials and labor necessary to complete the project.
- A request for copies of current liability insurance coverage and/or bonding, State and Local licenses, permits, and Workers Compensation Insurance coverage.
- A list of references if the Association has not had prior experience with the bidder.
- A possible penalty for late completion relative to the bidders promised completion date. If qualified bidders exist, and are willing to submit bids when requested, at least three bids should be solicited.

Bid Package Submittal Requirements from Vendor:

The Bidder's response must contain sufficient information necessary for the Board to reasonably evaluate the proposal(s) and make an informed decision regarding same. Such information may include some or all of the following:

- An estimated total cost of the project with a breakdown of materials and labor costs.
- An estimated start and completion date.
- Any possible deviations from the contract with respect to cost and/or completion date, e.g. weather delays, unforeseen obstacles such as ground conditions.
- Required information on insurance and/or bonding, licenses, permits, Workers Compensation Insurance coverage.
- A list of references if the bidder has no prior experience with the Association.
- Copy of proposed vendor contract, which must include invoice and payment terms.

Direct Source, Sole Source, or Competitive Bid Exceptions will be considered when:

- Time does not allow for the collection and reviews of bids.
- Emergency work makes time a critical factor.
- The item or service does not permit soliciting competitive bids, including but not limited to purchases needed to address major facility failures, damages due to disasters, or purchases necessary to address immediate safety and security issues.
- Only one supplier can meet necessary delivery date within the requirements of established standards, design, quality, or compatibility with existing equipment.

- Only one supplier is available in the Association's geographic area.

Bid Award / Selection:

- The Board of Directors shall have the discretion of accepting a bid higher than the low bid if justified based on contractor qualifications, and/or ability to timely perform.
- The selection justification must be documented by the Board or Committee requesting the bid and kept on file with the accepted bid in accordance with the Association document retention policy.
- The Board shall have the discretion of accepting that bid or going out for bids again if only one bid meets all specifications.
- The Board shall have the discretion of tabling the project or going out for bids again if no bids are received.
- If only one bid meets all specifications, the Board shall have the discretion of accepting that bid or seeking additional bids.

The requirement for three bids may be waived depending on the circumstances, including but not limited to:

- Work is an emergency.
- The association has a long-standing relationship with a particular vendor who is especially knowledgeable about the scope of the project.
- Changing of vendors would disrupt existing warranties.
- Other vendors are not willing to bid on the project.

If a conflict of interest exists, the respective Board Member and/or Committee Member must remove themselves from the bid selection process.

Other Considerations:

In the event of a situation (1) determined to be an emergency by a majority of the Board, or (2) an act of God, the bid process may be omitted upon a majority vote of the Board of Directors. The renewal of an existing contract does not necessitate the seeking of bids, unless the price of the renewing contract is to be increased by an amount which the Board reasonably considers to be significant. The Board may, at its discretion, seek bids from any renewing contract, without regard to whether the price is to be increased.

Note:

This Bid Policy is a financial tool and administrative guideline when considering Association expenditures.

- The Board at all times will exercise its judgment and discretion to make reasonable and prudent decisions on behalf of the Association and its Membership.
- The Board or Committee will retain the authority to make a final Bid / Direct Source determination based on circumstances.

Return to:

**Treece Law Firm
1020 Bay Area Boulevard
Suite 200
Houston, Texas 77058**

Bid Policy Resolution



VG-1788-2022-2979

**Matagorda
County
Stephanie Wurtz
Matagorda County
Clerk**

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COUNTY OF MATAGORDA

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Stephanie Wurtz
Matagorda County Clerk
Matagorda County, TX

Stephanie Wurtz

**RESOLUTION REGARDING ADOPTION OF
HEARINGS PROCEDURES / GUIDELINES
SELKIRK MAINTENANCE – SECTION I, II & ADDITION A, INC.**

WHEREAS, the By-Laws governing Selkirk Maintenance – Section I, II, & Addition A, Inc. (“the Association”), as well as the Association’s Articles of Incorporation, the respective Declaration of Covenants, Conditions and Restrictions encumbering all properties governed by the Association (the “Declarations”) and all amendments and/or supplements thereto, and the Texas Business Organizations Code, authorize the Association, acting through its Board of Directors, to exercise all powers reasonable and necessary for the governance and operation of the Association;

WHEREAS, the Texas Property Code provides that the Association may exercise other powers necessary and proper for the governance and operation of the Association;

WHEREAS, various sections of Chapter 209 of the Texas Property Code provide opportunities for property owners to request and/or participate in a hearing before the Board of Directors of their property owners’ association to appeal, discuss and verify facts and resolve matters in issue;

WHEREAS, the Board of Directors (“the Board”) of the Association desires to create guidelines in order to assist property owners in understanding the steps to initiate a hearing, as well as the hearing process which may follow;

WHEREAS, the Board of Directors of the Association (“the Board”) has determined that in keeping with current legislation, the adoption of the below-stated Hearings Procedures / Guidelines is in the best interest of the community and its members.

NOW, THEREFORE, BE IT RESOLVED that the attached Hearings Procedures / Guidelines is hereby adopted on behalf of the Association, to become effective upon being recorded in the office of the County Clerk.

Adopted on this 21 day of April, 2022.

SELKIRK MAINTENANCE – SECTION I, II & ADDITION A, INC.

CERTIFICATION

“The undersigned, being a Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., hereby certify that the foregoing Resolution Regarding Adoption of Hearings Procedures / Guidelines was adopted by the Board of Directors of Selkirk Maintenance – Section I, II, & Addition A, Inc., at a meeting of such Directors at which a quorum was present, or as otherwise authorized by law.”

By: PATRICK N JESSUP
Director, Selkirk Maintenance – Section I, II, & Addition A, Inc.

Print Name: PATRICK N JESSUP

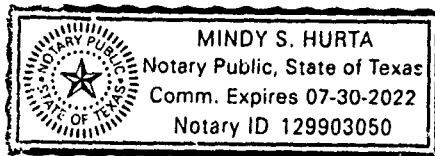
STATE OF TEXAS

COUNTY OF

Matagorda§
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Before me, the undersigned authority, on this day personally appeared Patrick N Jessup, a Director of Selkirk Maintenance – Section I, II, & Addition A, Inc., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said entity for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 21 day of April, 2022.



Mindy S. Hurta
Notary Public, State of Texas

HEARINGS PROCEDURES / GUIDELINES

- (1) **Right to a Hearing.** In accordance with the Texas Property Code, a property owner is entitled to a hearing under the following circumstances:
- after disapproval by the Association's architectural review authority ("ARA") of an owner's application for the construction of improvements on their property;
 - prior to the Association taking enforcement action against an owner for a curable violation;
 - prior to the Association filing a lawsuit against an owner other than a suit to collect a regular or special assessment or foreclose under an Association's lien;
 - prior to the Association charging an owner for property damage;
 - prior to the Association levying a fine for a violation of terms of any dedicatory instrument of the Association; or
 - prior to the Association suspending an owner's right to use a common area.

An owner desiring a hearing must request a hearing on or before the 30th day after the date the notice of violation and right to a hearing was mailed to such owner. An owner that does not request a hearing within such thirty (30) day period, will not be entitled to a hearing.

Hearings under this section do not apply if the Association files a lawsuit seeking a temporary restraining order or temporary injunctive relief or files a lawsuit that includes foreclosure as a cause of action.

Hearings under this section do not apply to a temporary suspension of a person's right to use common areas if the temporary suspension is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension is effective until the board makes a final determination on the suspension action after following the procedures prescribed by this section.

- (2) **Notice for ARA Disapproval.** In the case of an ARA disapproval / denial, written notice must be given to the owner by certified mail, hand delivery or electronic delivery. The notice must:
- a. describe the basis for the denial in reasonable detail and changes, if any, to the application or improvements required as a condition to approval; and
 - b. inform the owner that the owner may request a hearing on or before the 30th day after the date the disapproval notice was mailed or delivered to the owner.
- (3) **Notice Prior to Enforcement Action.** In all other cases in section 1, above, prior to such enforcement action, notice must be given to the owner by certified or verified mail describing the violation or property damage that is the basis for the enforcement action. Such notice must:
- a. provide a reasonable cure period with a specific date to cure the violation, if the violation is of a curable nature and does not pose a threat to public health or safety;
 - b. inform the owner that they may have special rights or relief under federal law including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq.), if the owner is serving on active military duty; and
 - c. inform the owner that the owner may request a hearing on or before the 30th day after the notice was mailed to the owner;

If the owner has previously been given notice of a violation and the opportunity to exercise any rights under his section within the preceding six (6) months, no further notice is required before enforcement action may be taken.

For purposes of this section, a violation is considered a threat to public health or safety if the violation could materially affect the physical health or safety of an ordinary resident.

For purposes of this section, a violation is considered incurable if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. For purposes of this section, the non-repetition of a one-time violation or other violation that is not ongoing is not considered an adequate remedy.

By way of example, the following acts are considered incurable:

- a. shooting fireworks;
- b. an act constituting a threat to health or safety;
- c. a noise violation that is not ongoing;
- d. damage to property owned or maintained by the association; and
- e. holding a garage sale or other event prohibited by a dedicatory instrument.

By way of example, the following acts are considered curable:

- a. a parking violation;
 - b. a maintenance violation;
 - c. the failure to construct improvements or modifications in accordance with approved plans and specifications; and
 - d. an ongoing noise violation such as a barking dog.
- (4) **Request a Hearing.** To request a hearing, an owner must make a written request which specifies the matter from section 1, above, for which the hearing is requested. The request must include a description of the issues in dispute, the basis for dispute and the owner's desired outcome from the hearing. Such request must be mailed, hand delivered or electronically delivered to the Association's address on the most recently filed management certificate. Because the hearing steps begin upon receipt of such request by the Association, the owner should verify receipt by the

Association if no response is received within a reasonable timeframe.

- (5) **Hearing Date.** Hearings must be held not later than the 30th day after the date the Association receives the owner's request for a hearing. However, the Association or the owner may request a postponement which shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of both parties.

Not later than the 10th day before the date of the hearing, the Association must notify the owner in writing of the date, time, and place of the hearing. In addition, not later than the 10th day before the date of the hearing, the Association must provide the owner a packet containing all documents, photographs and communications relating to the matter which the Association intends to introduce at the hearing. Such notice and packet may be provided by mail, hand delivery or electronic delivery. If the Association does not provide the packet within the designated period, the owner is entitled to an automatic 15-day postponement of the hearing.

As provided under Section 209.051 of the Texas Property Code, all hearings will be held with the Board at a duly called meeting where notice is provided to the members. All hearings will be held in closed / executive session.

- (6) **Attendance at Hearing.** On behalf of the Association, the Board, their designated representative, and if related to an ARA disapproval and if invited by the Board, a representative of the ARA may attend the hearing. On behalf of the owner, the owner and the owner's designated representative may attend the hearing.

If the owner desires to be represented by their attorney at the hearing, the owner must notify the Association in writing at least ten (10) days in advance, in order that the Association's attorney may also be present. If attorneys are present, each party must pay their own legal fees related to their attorney's preparation, attendance and immediate follow-up to the hearing.

If the owner is not able to attend the hearing but will send a representative, the owner must inform the Association of the name of the person who has authority to be their designated representative at the hearing prior to the start of the Board meeting in which the hearing will be held. If such advance notice is not possible then the designated representative may provide written evidence that they have authority to represent the owner at the hearing.

If the owner or their designated representative does not attend the hearing as scheduled, the Association will have satisfied its obligation to offer a hearing to the owner.

- (7) **During the Hearing.** The Association may set a reasonable duration for the hearing giving adequate time to the topic at hand. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the owner. An owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute.

The Board may ask clarifying questions of the owner or their designated representative to better understand their position or request.

Either party may make an audio recording of the hearing by announcing that an audio recording is being made. The recording device should be placed in a position such that all voices can be heard and recorded.

- (8) **After the Hearing.** After the hearing is concluded, the owner and their designated representative will leave the hearing so the Board may continue their executive session to discuss and consider the information presented. If needed, the Board made take any action authorized under the Association's dedicatory instruments or by applicable laws. Any such decisions shall be summarized orally, after returning to the open portion of the Board meeting, with appropriate discretion with regard to privileged information, privacy and/or confidential information. Typically, within ten (10) days after the hearing, the Association will provide the owner with a written notice with their decision, regarding the matter of the hearing.

To the extent the terms and provisions of this "Hearings Procedures / Guidelines" conflict with any of the Association's other governing documents or dedicatory instrument, the terms and provisions of this document shall control. All terms and provisions of the Association's other governing documents and/or dedicatory instrument which do not conflict with this "Hearings Procedures / Guidelines" are not affected by this document, and shall remain in full force and effect.

RETURN TO:

Treece Law Firm
1020 Bay Area Boulevard
Suite 200
Houston, Texas 77058



VG-1788-2022-2988

**Matagorda
County
Stephanie Wurtz
Matagorda County
Clerk**

***** THIS PAGE IS PART OF THE INSTRUMENT *****

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.

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HOUSTON TX 77058



STATE OF TEXAS
COUNTY OF MATAGORDA

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time
printed hereon, and was duly RECORDED in the Official Records of Matagorda County, Texas.

Stephanie Wurtz
Matagorda County Clerk
Matagorda County, TX

A handwritten signature in cursive script that reads "Stephanie Wurtz".