



**COVINGTON WOODS COMMUNITY ASSOCIATION, INC.  
DEED RESTRICTION VIOLATION HEARING POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF FORT BEND       §

WHEREAS, Covington Woods Community Association, Inc. (hereinafter the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of Covington Woods (hereinafter the "Subdivision"), a subdivision in Fort Bend County, Texas (referred to collectively as "Declarations"); and

WHEREAS, the Deed Restriction Violation Hearing Policy is applicable to Association and the Subdivision; and

WHEREAS, all terms used in this Policy that are defined in Chapter 209 of the Texas Property Code shall have the same meaning as defined in said statute;

WHEREAS, Section 209.007 of the Texas Property Code was amended, effective September 1, 2021, to provide additional procedures that a property owners association is required to follow when enforcing deed restriction violations for which a property owner is entitled to an opportunity to cure the violation(s), and for which the property owner requests a hearing;

WHEREAS, to the extent that this Policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this Policy controls over such provision. To the extent that any existing governing document or dedicatory instrument does not conflict with this Policy, such provision shall remain in full force and effect; and

WHEREAS, this Dedicatory Instrument constitutes a Restrictive Covenant as that term is defined by the Texas Property Code §202.001, and the Association shall have and may exercise discretionary authority with respect to this Restrictive Covenant;

NOW, THEREFORE, in consideration of the foregoing and in compliance with the Texas Property Code, the Board of Directors of the Association ("Board") hereby approves, adopts and imposes on the Association and the Subdivision the following:


1. If an Owner is entitled to an opportunity to cure a violation, the Owner has the right to submit a written request for a hearing to discuss and verify facts relating to the alleged violation(s), and resolve the matter(s) in issue before the Board.

2. **An Owner desiring a hearing must request a hearing on or before the 30<sup>th</sup> day after the date the notice of violation and right to a hearing was mailed to the Owner. Any Owner that does not properly request a hearing within thirty (30) days of the date the notice of violation was mailed will not be entitled to a hearing.**
3. **An Owner shall request such a hearing in writing, either by mail, electronic mail or hand delivery. Such request must be mailed or delivered to the Association's address or electronic mail address set forth in the most recently filed Management Certificate, to the attention of the designated representative, if any.**
4. **The Association shall hold a hearing under this Policy not later than the 30<sup>th</sup> day after the date the Board receives the Owner's request for a hearing.**
5. **The Association, through its designated representative, if any, shall notify the Owner of the date, time, and place of the hearing not later than the 10<sup>th</sup> day before the date of the hearing.**
6. **The Board or the Owner may request a postponement and, if requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of the parties.**
7. **The Owner or the Association may make an audio recording of the hearing.**
8. **The notice and hearing provisions of this Policy do not apply if the Association files a suit seeking a temporary restraining order or temporary injunctive relief, or files a suit that includes foreclosure as a cause of action.**
9. **The notice and hearing provisions of this Policy do not apply to a temporary suspension or 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 following the procedures prescribes by this Policy.**
10. **Not later than ten (10) days before the Association holds a hearing under this Policy, the Association shall provide to Owner a packet containing all documents, photographs, and communication (not to include any attorney-client privileged communications) relating to the matter the Association intends to introduce and/or discuss at the hearing.**

11. If the Association does not provide a packet within the designated period, Owner is entitled to an automatic 15-day postponement of the hearing.
12. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the Owner. Owner or Owner's designated representative is entitled to present Owner's information and issues relevant to the appeal or dispute.
13. All hearings will be held in private.
14. After the conclusion of the hearing, Owner and Owner's designated representative will be required to leave the hearing in order to allow the Board to discuss and consider the information presented by Owner.
15. The Association will provide Owner a written notice with the Board's decision regarding the matter(s) the basis of the hearing.

This Policy is effective upon the later of either the date of recording in the Public Records of Real Property of Fort Bend County, Texas, or September 1, 2021, and supersedes, to the extent applicable, any policy for deed restriction violation hearings which may have previously been in effect. Except as affected by Section 209.007 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instrument of the Association shall remain in full force and effect.

Approved and adopted by at least a majority of the Board, at an open meeting duly noticed and at which meeting a quorum of the Board was present, on this 11<sup>th</sup> day of October, 2021.

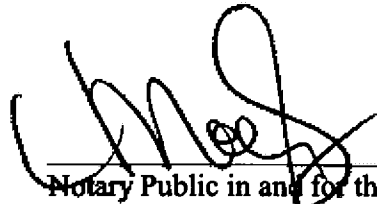
  
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Ricardo A. Bravo, President [printed name]  
Covington Woods Community Association, Inc.

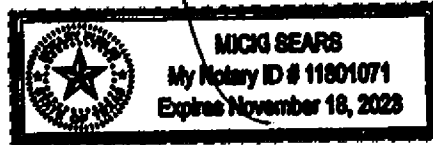
[notarization on the following page]

STATE OF TEXAS                   §  
  §  
COUNTY OF Fort Bend       §

Before me, the undersigned authority, on this day personally appeared Linda Albarr, President of Covington Woods Community Association, 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 s/he has executed the same as the act of said corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 11<sup>th</sup> day of October, 2021.

  
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Notary Public in and for the State of Texas



AFTER RECORDING RETURN TO:

Lori E. Alderson  
1523 Avenue A  
Katy, Texas 77493