



**SUMMERFIELD ESTATES HOMEOWNERS ASSOCIATION, INC.
DEED RESTRICTION VIOLATION HEARING POLICY**

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS Summerfield Estates Homeowners Association, Inc., (hereinafter the "Association") is a Texas nonprofit corporation and the governing entity Summerfield Estates, Sections 1-6, additions in Fort Bend County, Texas, according to the maps or plats thereof, recorded in the Real Property Records of Fort Bend County, Texas, under Instrument Nos. 1175534, 1171770, 1176288, 1176285, 1176553, and 1176554, respectively, along with any replats, supplements, and amendments thereto (hereinafter the "Subdivision"); and,

WHEREAS in 2021, the Governor of the State of Texas signed Senate Bill 1588 into law, thereby amending the Texas Property Code; and,

WHEREAS Section 209.007 of the Texas Property Code was amended to provide additional hearing procedures that a property owners' association must follow when enforcing deed restriction violations for which a property owner is entitled to an opportunity to cure the violation; and,

WHEREAS to the extent this Policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this Policy shall control by virtue of such contrary provision being pre-empted by State law; and,

WHEREAS to the extent any existing governing document or dedicatory instrument does not conflict with this Policy or the Texas Property Code, such provision remains in full force and effect, including requirements that application for and approval of improvements be obtained prior to installation; and,

WHEREAS this Dedicatory Instrument represents Restrictive Covenants as those terms are defined by Texas Property Code §202.001, et. seq, and the Association shall have and may exercise discretionary authority with respect to these Restrictive Covenants;

NOW THEREFORE, in view of the foregoing and in compliance with the Texas Property Code, the Association hereby adopts and imposes on the Subdivision the following *Deed Restriction Violation Hearing Policy*:

I. DEED RESTRICTION VIOLATION HEARING POLICY

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 and resolve the matter in issue before the board of the property owners' association.

2. 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 the Owner. Any Owner that does not request a hearing within thirty (30) days of receiving certified notice of Owner's deed restriction violation 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 delivered to the Association's address or electronic mail address provided on the most recently filed management certificate.
4. The Association shall hold a hearing under this section not later than the 30th day after the date the board receives the Owner's request for a hearing.
5. The Association shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing.
6. The Association's 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 meeting.
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 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 policy.
10. Not later than ten (10) days before the association holds a hearing under this section, the Association shall provide to the Owner requesting the hearing a packet containing all documents, photographs, and communications (not to include any attorney-client privileged communications) relating to the matter the association intends to introduce at the hearing.
11. If an Association does not provide a packet within the designated period, the 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. An Owner or the Owner's designated representative is entitled to present the Owner's information and issues relevant to the appeal or dispute.
13. All hearings will be held in private.

14. After the hearing is concluded, the Owner and their designated representative will leave the hearing so the Board may discuss and consider the information presented.
15. The Association will provide the Owner with a written notice with their decision regarding the matter of the hearing.

CERTIFICATION

“I, the undersigned, being a Director of Summerfield Estates Homeowners Association, Inc., hereby certify that the foregoing Policy was adopted by at least a majority of Summerfield Estates Homeowners Association, Inc.’s board of directors, at an open and properly noticed meeting of the board, at which a quorum of the board was present.”

By: *Leigh Ann Gombac*

Print name: Leigh Ann Gombac

Title: President

ACKNOWLEDGEMENT

STATE OF TEXAS

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COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that he is the person who signed the foregoing document in his representative capacity and that the statements contained therein are true and correct.

Given under my hand and seal of office this the 23rd day of September, 2021.

[Signature]
Notary Public, State of Texas

