

BARRINGTON PLACE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE DENIAL LETTER
AND APPEAL AND HEARING POLICY

STATE OF TEXAS

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COUNTY OF FORT BEND

The Barrington Place Homeowners' Association, Inc., (hereinafter the "BPHOA" or "Association") is the governing entity for Barrington Place Subdivisions, Sections 1, 2, 3, 4, 5-B, and the Gateway Subdivision, according to the Maps and Plat Records of Fort Bend County, Texas as follows:

- (a) Barrington Place, Section One, Subdivision, Fort Bend County, Texas according to the Map or Plat thereof recorded under Volume 29, Page 20, and Slides 486A, 486B and 838A (and any additions, supplements, or replats thereto);
- (b) Barrington Place, Section Two, Subdivision, Fort Bend County, Texas according to the Map or Plat thereof recorded under Slides 592B, 593A, 593B, 594A, 728B, 778A, 778B, 838B, 839A, and 839B (and any additions, supplements, or replats thereto);
- (c) Barrington Place, Section Three, Subdivision, Fort Bend County, Texas according to the Map or Plat thereof recorded under Slides 594B, 595A, 729A, 729B, and 860A, (and any additions, supplements, or replats thereto);
- (d) Barrington Place, Section Four, Subdivision, Fort Bend County, Texas according to the Map or Plat thereof recorded under Slides 801B, 802A, 802B, 840A, 840B, 841A, 925B, 926A, and 926B (and any additions, supplements, or replats thereto);
- (e) Barrington Place, Section Five-B, Subdivision, Fort Bend County, Texas according to the Map or Plat thereof recorded on Slides 1098A and 1098B, (and any additions, supplements, or replats thereto); and
- (f) Gateway Community under Slides No. 1517A and 2158A (and any additions, supplements, or replats thereto).

WHEREAS, The Texas Legislature enacted changes to the Texas Property Code, including but not limited to Sec. 209.00505. ARCHITECTURAL REVIEW AUTHORITY, affecting hearing procedures and notices that must be followed by the Association, and given to the owner, if an owner's application is denied by the ACC or controlling Architectural Review Authority for the Association. This policy is to inform the owner receiving such denial, of a

hearing process by which the owner can appeal the denial. This policy shall be known as the Barrington Place Homeowners' Association Architectural Control Committee Denial Letter and Appeal and Hearing Policy, and it henceforth applies to the aforementioned subdivisions and to the BPHOA.

Any conflicts with this Barrington Place Homeowners' Association Architectural Control Committee Denial Letter and Appeal and Hearing Policy and existing policies set out in recorded dedicatory instruments or governing documents shall yield to the Barrington Place Homeowners' Association Architectural Control Committee Denial Letter and Appeal and Hearing Policy. The remainder of any recorded dedicatory instruments or governing document currently in force and effect that is not in conflict with this policy shall remain in full force and effect.

This Barrington Place Homeowners' Association Architectural Control Committee Denial Letter and Appeal and Hearing Policy is a Dedicatory Instrument and constitutes Restrictive Covenants as defined under Texas Property Code §202.001, et. seq.,. All terms used herein which are defined under Texas Property Code §209, shall be defined in the same way in this policy.

The BPHOA shall have and may exercise discretionary authority with respect to these Restrictive Covenants.

THEREFORE, in light of the foregoing recitation and in compliance with the Texas Property Code, the BPHOA hereby adopts and imposes on the aforementioned Subdivisions and on the BPHOA, the following policies, procedures, rules, and regulations:

A decision by the ACC or architectural review authority denying an application for request submitted by an owner or for construction of improvements in the Subdivision may be appealed to the Board of Directors for the BPHOA.

Written notice of the denial by the ACC or architectural review authority shall be provided to the owner by certified mail, hand delivery, or electronic delivery.

The denial notice by the ACC or architectural review authority shall:

1. describe the basis for the denial of the submitted request in reasonable detail and describe the changes, if any, to the application submitted or to the improvements required as a condition to approval; and
2. inform the owner that the owner may appeal the denial and request a hearing on or before the 30th day after the date the denial notice was mailed or delivered to the owner.

The owner seeking a hearing appealing a denial by the ACC or architectural review authority shall request such hearing in writing, either by mail, electronic mail or hand delivery.

The owner's request must be delivered to the BPHOA's address or electronic mail address provided on the most recently filed management certificate.

The Board of Directors for the BPHOA shall hold a hearing requested by the owner not later than the 30th day after the date the Board of Directors for the BPHOA receives the owner's written request for a hearing. The Board of Directors for the BPHOA 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. Only one hearing is required in this policy.

During a hearing, the Board of Directors for the BPHOA or the designated representative of the BPHOA and the owner or the owner's designated representative will each be provided the opportunity to discuss, verify facts, and resolve the denial of the owner's application or request for the construction of improvements, and the changes, if any, requested by the architectural review authority in the notice provided to the owner.

The board or the owner may request a postponement of the hearing. If a postponement of the hearing is requested, the postponement shall be granted for a period of not more than 10 days. Additional postponements of the hearing may be granted by agreement between the parties.

All hearings under Sec. 209.00505. ARCHITECTURAL REVIEW AUTHORITY will be held in private. All hearings under this policy are not open to the public for observation, recording or comment. The board will consider and vote upon the outcome of the hearing in an open meeting for which notice was provided to the members and as pursuant to Texas Property Code Section 209.0051.

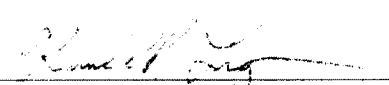
The owner or the BPHOA may make an audio recording of the meeting.

The Board of Directors for the BPHOA as appropriate, may affirm, modify, or reverse, in whole or in part, any decision of ACC or the architectural review authority as consistent with the Subdivision's Declarations.

The BPHOA will provide the owner with written notice of the Board's decision regarding the matter of the hearing.

CERTIFICATION

I, hereby certify that the foregoing Barrington Place Homeowners' Association Architectural Control Committee Denial Letter and Appeal and Hearing Policy was adopted by the Barrington Place Homeowner's Association, Inc.'s Board of Directors, at an open and properly noticed meeting of the board of directors, at which a quorum of the Board was present.

By: 
Kenneth Langer

Title: President

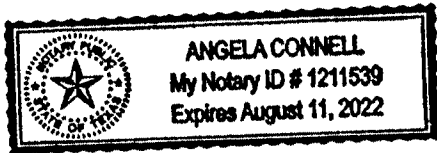
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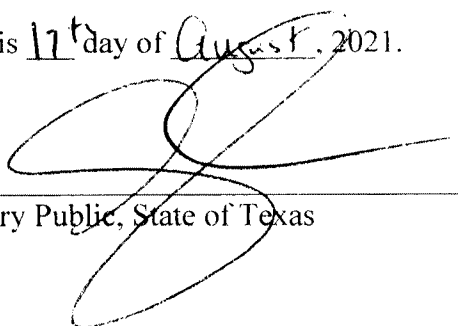
STATE OF TEXAS

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 17th day of August, 2021.




Notary Public, State of Texas