

Property Code including Sec. 209.006. NOTICE REQUIRED BEFORE ENFORCMENT ACTION. This policy shall be known as the Barrington Place Homeowners' Association Hearing Policy on Deed Restriction and Declaration Violations, and it henceforth applies to the aforementioned subdivisions and to the BPHOA.

Any conflicts with this Barrington Place Homeowners' Association Hearing Policy on Deed Restriction and Declaration Violations, and existing policies set out in recorded dedicatory instruments or governing documents shall yield to the Barrington Place Homeowners' Association Hearing Policy on Deed Restriction and Declaration Violations. 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 Hearing Policy on Deed Restriction and Declaration Violations 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. A deed restriction violation or a violation of a Declaration shall also be called a "DRV", herein.

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:

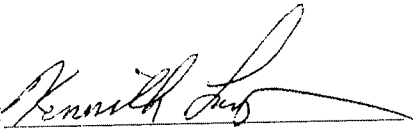
1. When an owner is entitled to an opportunity to cure a DRV, the owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue concerning the DRV before the board of the BPHOA.
2. An owner desiring a hearing before the Board concerning the DRV, must request the hearing on or before the 30th day after the date the notice of DRV and right of the owner to have a hearing was mailed to the owner. Any owner that does not request a hearing on the DRV within thirty (30) days of receiving certified notice of owner's DRV will not be entitled to a hearing.
3. An owner shall request a hearing before the Board concerning the DRV in writing, either by mail, electronic mail or hand delivery. Such request from the owner must be delivered to the BPHOA's address or electronic mail address provided on the most recently filed management certificate.

4. The BPHOA shall hold the hearing concerning the DRV under this section not later than the 30th day after the date the board receives the owner's written request for a hearing concerning the DRV.
5. The BPHOA shall notify the owner requesting the hearing of the date, time, and place of the hearing not later than the 10th day before the date of the hearing or as provided by Texas Property Code Section 209.007(c).
6. The board or the owner requesting the hearing concerning the DRV may request a postponement of the hearing concerning the DRV, and, if requested, a postponement of the hearing concerning the DRV shall be granted for a period of not more than 10 days. Additional postponements of the hearing concerning the DRV may be granted by agreement of the parties as provided by Texas Property Code Section 209.007(c).
7. The BPHOA or the owner may make an audio recording of the meeting concerning the DRV, as provided by Texas Property Code Section 209.007(c).
8. The notice and hearing provisions of this policy concerning the DRV do not apply if the BPHOA files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action or as provided by Texas Property Code Section 209.007(d).
9. The notice and hearing provisions of this policy concerning the DRV 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 and the Texas Property Code and as provided by Texas Property Code Section 209.007(d).
10. Not later than 10 days before the BPHOA holds a hearing concerning the DRV under this section, the BPHOA shall provide to an owner requesting the hearing concerning the DRV, a packet containing all documents, photographs, and communications relating to the matter that BPHOA intends to introduce at the hearing. This packet will not include any attorney-client privileged communications or other legally protected information.
11. If BPHOA does not provide the packet within the period of time designated by Texas Property Code Section 209.007(f) before the BPHOA holds the hearing, an owner is entitled to an automatic 15-day postponement of the hearing.

12. During the hearing, a member of the board or BPHOA's designated representative shall present BPHOA's case against the owner first. 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 under this policy will be held in private and are not open to the public for observation, recording or comment.
14. When the hearing concerning the DRV has concluded, the owner and their designated representative will leave the hearing. The Board may discuss, review, and consider the information and issues presented during the hearing. The BPHOA will provide a written report to the owner with the Board's decision regarding the matter of the hearing.

CERTIFICATION

I, hereby certify that the foregoing Barrington Place Homeowners' Association Hearing Policy on Deed Restriction and Declaration Violations 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

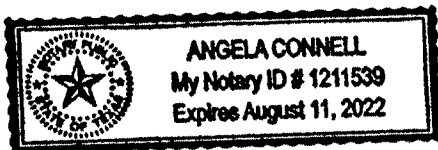
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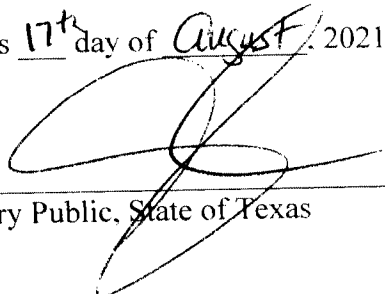
STATE OF TEXAS

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