

**Morningside Place, Section 1, Homeowners Association, Inc.
GUIDELINES FOR SWIMMING POOL ENCLOSURES**

STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF HARRIS §

WHEREAS Section 202.022 of the Texas Property Code (“Code”) allows property owners to install fence enclosures around water features, such as a swimming pool or spa, and authorizes the property owners’ association to regulate such items in compliance with the Code; and

WHEREAS Morningside Place, Section 1, Homeowners Association, Inc. (“Association”) is the property owners’ association charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the subdivision (referred to collectively as “Declaration”) as listed in the most recent management certificate for the Association filed in the official public records of Harris County; and

WHEREAS, the Board of Directors (“Board”) of the Association desires to regulate swimming pool enclosures by establishing regulations and guidelines relating to such items in compliance with the Code; and

WHEREAS, this Dedicatory Instrument is a Restrictive Covenant as defined by the Code Section 202.001, et seq. and the Association may exercise discretionary authority with respect to these Restrictive Covenants;

NOW, THEREFORE, the Board has duly adopted these *Guidelines for Swimming Pool Enclosures* which shall be reasonably applied and enforced:

- A swimming pool enclosure under these guidelines means a fence that:
 - surrounds a water feature, including a swimming pool or spa;
 - consists of transparent mesh or clear panels set in metal frames;
 - is not more than six feet in height; and
 - is designed with the intent to be unclimbable.
- As an alternative to a swimming pool enclosure described above, the following may also be acceptable designs if submitted to and approved by the Association:
 - **Wood fence.** A wood fence with vertical pickets where the post and rail support structure is on the inside so the fence is not climbable. Any such wood fence design must also meet any other Association requirements in its dedicatory instruments relative to materials, height, location, coating and appearance.
 - **Ornamental metal fence.** An ornamental metal fence with vertical pickets. Any such metal fence design must also meet any other Association requirements in its dedicatory instruments relative to materials, height, location, coating and other appearance.
 - **Masonry wall.** A brick, stone, stucco, concrete or other similar wall. Any such design must also meet any other Association requirements in its dedicatory instruments relative to materials, height, location, coating and other appearance.

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- An enclosure meeting the definitions in the preceding section above that is black in color and consists of transparent mesh set in metal frames.
- Any such swimming pool enclosure must comply with all applicable state and local safety requirements which may exceed the requirements under these guidelines.
- All swimming pool enclosures and all swimming pool enclosure components (collectively "Enclosures") must be maintained in a state of good repair. Any Enclosures that deteriorate, become rusted, become discolored, and/or become unsafe, must be immediately replaced and/or repaired.
- All new and replacement swimming pool enclosures must be submitted to the Association for review using the application process provided to property owners. No work may be initiated until written approval is provided to the property owner by the Association.

These guidelines are effective upon recordation in the Public Records of Harris County and supersede any *Guidelines for Swimming Pool Enclosures* which may have previously been in effect. Except as affected by Texas Property Code Section 202.022 and/or by these guidelines, all other provisions contained in the Declaration, or any other dedicatory instruments of the Association, remain in full force and effect.

Approved and adopted by the Board on this 13 day of December 2021.

**Morningside Place, Section 1,
Homeowners Association, Inc.**

Victoria A. Lastee

Victoria Lastee, President

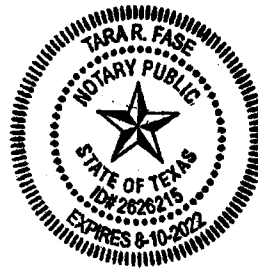
STATE OF TEXAS §
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COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 13 day of December 2021 personally appeared Victoria Lastee, President of Morningside Place, Section 1, Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that same was executed for the purpose and in the capacity therein expressed.

Tara R. FASE

Notary Public in and for the State of Texas

After recording, please return to:
APC Property Management
7676 Hillmont St, Ste 200
Houston, TX 77040



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Pages 3
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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$22.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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