

3. Proposed Improvement Denial.

A decision by the Committee denying an application or request by an owner for the construction of improvements in the Subdivision (a “Proposed Improvement”) may be appealed to the Board. A written notice of the denial must be provided to the Owner by certified mail, hand delivery, or electronic delivery. The notice must:

1. Describe, in reasonable detail, the basis for the denial or the changes, if any, to the Proposed Improvement required as a condition to approval; and
2. Inform the Owner that the owner may request a hearing with the Board on **or before the 30th day** after the date the notice was sent to the Owner.

To request a hearing before the Board, the Owner must submit a written request to the Association’s property manager (or the Board if there is no manager) **within thirty (30) days** after the date the notice by the Committee was sent to the Owner. Unless agreed upon otherwise, the Board shall hold the hearing **not later than the 30th day** after the date the Association receives an Owner’s request for hearing.

The Association shall give the Owner **at least ten (10) days** advance notice of the date, time, and place of the hearing.

The Association or the Owner may request **one (1)** postponement of the hearing, and, if requested, shall be granted for a period of **not more than ten (10) days**. The hearing will be scheduled to provide a reasonable opportunity for both the Board and the Owner to attend. If the Owner or the Owner’s designated representative fails to appear for a scheduled appeal hearing, the Board shall proceed with the hearing and consider all documentary evidence provided by the Owner, if any. An Owner is only entitled to **one (1)** hearing.

Pending the hearing, the Association may continue to exercise its other rights and remedies for the denial, if any, as if the declared denial was valid.

The hearing will be held in a closed or executive session of the Board. During the hearing, a member of the Board or the Association’s designated representative 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 Proposed Improvement, and the changes, if any, requested by the Committee as a condition of approval.

The Association or the Owner may make an audio recording of the hearing. If either party intends to make an audio recording of the hearing, such party shall so advise the other party prior to the commencement of the audio recording.

The Board may set a reasonable time limit for the hearing, to be determined at the Board’s sole and absolute discretion, considering factors, including, but not limited to, the complexity of the issues and number of exhibits. The time limitation established by the

Board will be strictly enforced and is intended to balance factors, including, but not limited to, allowing both the Association and the Owner ample time to present their respective cases and the volunteer Board's reasonably available time to consider such matters.

The Board may affirm, modify, or reverse, in whole or in part, any decision of the Committee. The Board is not required to deliberate or reach a determination during the hearing. All information presented at the hearing may be taken under advisement by the Board for future consideration. If no determination or resolution is reached during the hearing, the Association may inform the Owner of the Board's decision in writing **within thirty (30) days** of the date of the hearing. If there is no such communication from the Association **within thirty (30) days**, the Proposed Improvement shall be deemed denied.

All parties participating in the hearing are expected to treat each other professionally and respectfully. The Board reserves the right to terminate a hearing if the Board, in its sole and absolute discretion, determines the hearing has become unproductive and/or contentious.

Unless otherwise agreed by the Board, each hearing shall be conducted in accordance with the attached hearing agenda. [Exhibit A – Hearing Agenda].

4. Miscellaneous.

- a. Amendment. These Guidelines may be revoked or amended from time to time by the Board. These Guidelines will remain effective until the Association records an amendment in the Official Public Records of Bexar County, Texas.
- b. Conflict. In the event of any conflict between these Guidelines and any Dedicatory Instrument of the Association, these Guidelines control.
- c. Effective Date. These Guidelines are effective upon recordation in the Official Public Records of Bexar County, Texas.

EXHIBIT A

HEARING AGENDA

Note: A member of the Board or the Association's designated representative shall act as the Hearing Officer and preside over the hearing. The Hearing Officer will provide introductory remarks and administer the hearing agenda as stated below.

I. Introduction.

Hearing Officer: The Association or the Owner may make an audio recording of the hearing. If either party intends to make an audio recording of the hearing, such party shall so advise the other party at this time. The Board has convened for the purpose of holding a hearing requested by [Owner] to appeal the Committee's denial of the [Owner's] application or request for the construction of improvements concerning the property located at [Owner' Property Address].

The hearing is being conducted as required by Section 209.00505 of the Texas Property Code, and is an opportunity for the Owner to discuss, verify facts, and resolve the matter at issue. However, after both sides are given a reasonable opportunity to present their case, the Board may elect to take the matter under advisement and conclude the hearing. If the matter is taken under advisement, a final decision will be communicated in writing within 30 days.

II. Presentation of Facts.

Hearing Officer: This portion of the hearing is to permit a member of the Board or the Association's designated representative to present the matters contained in the Committee's written notice of denial that was provided to the Owner and the opportunity to describe relevant documents, photographs, and/or communications. After the Association has finished its presentation, the Owner or the Owner's designated representative will be entitled to present the Owner's information and issues relevant to the dispute. The Board may ask questions during either party's presentation. It is requested that questions by the Owner be held until completion of the presentation by the Association.

[Presentations begin accordingly]

III. Discussion.

Hearing Officer: This portion of the hearing is to permit the Board and the Owner to discuss factual disputes relevant to the Committee denial and the Owners Proposed Improvement. Discussion should be productive and designed to seek, if possible, an acceptable resolution of the dispute. The Hearing Officer retains the right to conclude this portion of the hearing at any time.

IV. Resolution.

Hearing Officer: This portion of the hearing is to permit discussion between the Board and the Owner regarding the final terms of resolution, if any.

If no resolution is reached, the Hearing Officer may: (i) request that the Board enter into executive session to discuss the matter; or (ii) request that the Board take the matter under advisement and adjourn the hearing.