



BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.
DEED RESTRICTION VIOLATION HEARING POLICY

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS, Brightwater Homeowners Association, Inc. (the "Association"), is the governing entity for Lakeside Meadow at Brightwater, Sections 1 and 2, Lakeshore at Brightwater, Sections 1 and 2, Lakeshore Park at Brightwater, Section 1, Southshore at Brightwater, Section 1, Lakeshore Point at Brightwater, Section 1, Brightwater Estates, and Brightwater Point Estates, additions in Fort Bend County, Texas, according to the maps or plats thereof, recorded in the Map Records of Fort Bend County, Texas, at Slide Nos. 1267/B, 1355/A, 672/B, 1042/A, 1442/A, 671/B, 1259/B, 1260/B, and 1356/A, respectively, along with any amendments and replats thereto, (the "Subdivision"); and

WHEREAS, this Deed Restriction Violation Hearing Policy is applicable to the Subdivision and Association; and

WHEREAS, all terms used herein that are defined in Chapter 209 of the Texas Property Code shall have the meaning as defined in the statute; 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 an owner is entitled to an opportunity to cure the violation;

WHEREAS, to the extent this policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this Policy controls over such provision. To the extent any existing governing document or dedicatory instrument does not conflict with this policy, such provision remains in full force and effect; and

WHEREAS, this Dedicatory Instrument constitutes 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 and the Association the following policies, rules, and regulations:

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 board or the owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 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 10 days before the association holds a hearing under this section, the association shall provide to an owner 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, an 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 Brightwater Homeowners Association, Inc., hereby certify that the foregoing was adopted by at least a majority of Brightwater Homeowners Association, Inc.’s board of directors, at a properly noticed, open board meeting, at which a quorum of the board was present.”

By: Diane Mauricio

Print name: Diane Mauricio

Title: President,
Brightwater HOA

ACKNOWLEDGEMENT

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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 March, 2022.

Vikki Marie Styles
Notary Public, State of Texas

