



**BRIGHTWATER HOMEOWNERS ASSOCIATION, INC.**

**SWIMMING POOL ENCLOSURE 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 Swimming Pool Enclosure Policy is applicable to the Subdivision and Association; and

WHEREAS, all terms used herein that are defined in Chapter 202 of the Texas Property Code shall have the meaning as defined in the statute; and

WHEREAS Section 202.022 of the Texas Property Code was amended to establish the right of property owners whose property is subject to restrictive covenants to install and maintain certain types of pool enclosures; and

WHEREAS, to the extent this policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this policy controls by virtue of such contrary provision being pre-empted by State law; and

WHEREAS, to the extent any existing governing document or dedicatory instrument does not conflict with this policy or Section 202.022 of the Texas Property Code, such provision remains in full force and effect, including requirements that application for and approval of improvements be obtained prior to installation; 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:

Pursuant to Section 202.022 of the Texas Property Code, a property owner may install and maintain a swimming pool enclosure on their property to the extent it satisfies the criteria in paragraph one below and complies with the regulations set forth in paragraphs two through six below.

