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May 9, 2019

Via E-Mail to kbfpeake@gmail.com
Ms. Katherine Peake
PO Box 55
Dripping Springs, Texas 787620

Re: Pedernales Place, Blanco County, Texas
Architectural Control Committee

Dear Ms. Peake:

On behalf of the Architectural Committee of Pedernales Place, you asked me whether the current Architectural Control Committee (“ACC”) should continue to perform its duties following purported legal challenge from other homeowners. In short, the answer is yes, the ACC should continue to perform its duties as outlined by the restrictive covenants for Pedernales Place. More information is below.

The Restrictive Covenants and Use Limitations for Pedernales Place, Units 1 and 2 provide for the existence of an Architectural Control Committee. (Covenants Article 3) The ACC is tasked with review of plans and specifications prior to construction of any building, structure or improvement within Pedernales Place. Pursuant to the Covenants, the ACC is to be made up of three appointed members. (Covenants 3.1) Essentially, when a member resigns or otherwise becomes unable to perform his or her duties, the remaining members of the ACC appoint a replacement.

The covenants further provide that the owners of homes within the community may **at any time** vote to change the membership of the ACC, or to change the scope of the ACC’s powers and duties. (Covenants 3.1) Such an action would require the approval of a majority of all homeowners within each Unit. To the extent that no such vote has been conducted, or the necessary approval has not been attained, the members of the ACC have a duty to continue to perform under the covenants.

The foregoing is a summary of the legal and factual issues related to the membership and duties of the ACC. I should also note that I reviewed the memorandum dated March 9, 2019 that you researched and drafted, and I agree with its conclusions. Texas law supports the proposition that the Pedernales Place ACC is a valid, subsisting entity. In my opinion, the current ACC is empowered under the covenants unless and until one of the following occurs: (1) a vote of the homeowners changes the membership, duties, or scope of the ACC’s purview; (2) a court orders the covenants to be reformed in a manner that changes the ACC; (3) the owners vote to amend the covenants in a manner that changes the ACC; or (4) all members of the ACC voluntarily resign without appointing successors.

I hope this information is helpful to you. Please do not hesitate to contact me with any questions or concerns.

Very truly yours,

/s/ Chloe M. Love