

**Summer Point Village Homeowners Association, Inc.**

**DEED RESTRICTION HEARING POLICY**

All terms used herein that are defined in Chapter 209 of the Texas Property Code shall have the meaning as defined in the statute.

Section 209.007 of the Texas Property Code was amended to provide additional hearing procedures associations must follow when enforcing deed restriction violations.

If an owner is entitled to an opportunity to cure a deed restriction violation, the owner must submit a written request for a hearing to the property owners' association and their managing agent. The request for a hearing is to discuss and verify facts and to resolve the matter at issue before the board of the property owners' association.

The Association hereby adopts and imposes on the Association the following policies, rules, and regulations:

1. An owner desiring a hearing must request a hearing. The request must be made 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 who 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.
2. An owner must submit for a hearing in writing, either by mail, electronic mail or hand delivery. The request must be delivered to the Association's address or electronic mail address provided on the most recently filed management certificate.
3. The association shall hold a hearing no later than the 30th calendar day after the date the board or managing agent receives the owner's request for a hearing.
  - a. The association, owner, and/or managing agent can make an audio recording of the meeting.
4. The Association shall notify the owner of the place, date, and time of the hearing not later than the 10<sup>th</sup> calendar day before the date of the hearing.
  - a. The association will provide the owner a packet containing all documents, photographs, and communications relating to the deed restriction the association intends to reference at the hearing. The packet will be provided no less than 10 calendar days before the association holds a hearing under this section. Documents will not include any attorney-client privileged communications.
    - i. If an association does not provide a packet within the timeline in this policy, an owner is entitled to an automatic 15-day postponement of the hearing.
5. The board or the owner may request a postponement. If a postponement is requested, it will be granted for a period of no more than 10 days.
  - a. Any additional delay or postponement may be granted by agreement of both parties.
6. All hearings will be private and not an open meeting with other owners.
  - a. During a hearing, a member of the board or the association's designated representative, such



as the managing agent, will begin the hearing by presenting the association's case against the owner.

- b. An owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute.
7. After the hearing is concluded, the Board will discuss the information presented and make a decision.
8. The Association or managing agent will provide the owner with a written notice with their decision regarding the matter of the hearing.

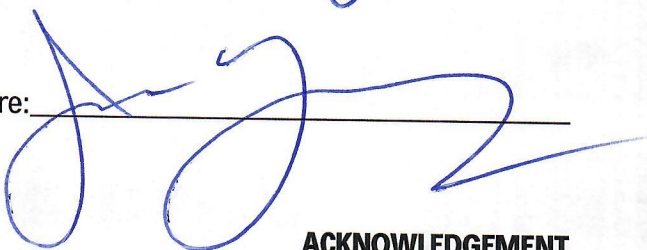
This policy does not apply to a temporary suspension of a person's right to use common areas if the temporary suspension is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension is effective until the board makes a final determination on the suspension action after following the procedures prescribed by this policy.

Additionally, this policy does not apply if the association files temporary injunctive relief, a suit seeking a temporary restraining order, or files a suit that includes foreclosure as a cause of action.

**CERTIFICATION**

"I, the undersigned, being a Director of the Summer Point Village Homeowners Association, Inc., hereby certify that the foregoing was adopted by at least a majority of the Summer Point Village Homeowners Association, Inc. board of directors, at an open and properly noticed meeting of the board, at which a quorum of the board was present."

Print name: James Young Title: President

Signature: 

**ACKNOWLEDGEMENT**

STATE OF TEXAS                   §  
   §  
COUNTY OF Collin           §

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 \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public, State of Texas