

12770

**CERTIFICATE OF ADOPTION
OF
209 HEARING GUIDELINES
OF
LAKE LIVINGSTON VILLAGE IMPROVEMENT ASSOCIATION, INC.**

STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF POLK §

WHEREAS, the Board of Directors (the "Board") of Lake Livingston Village Improvement Association, Inc., a Texas non-profit corporation (the "Association") is charged with administering and enforcing that certain Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section One recorded in the Office of the County Clerk of Polk County, Texas, under Volume 506, Page 453; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Two recorded in the Office of the County Clerk of Polk County, Texas, under Volume 560, Page 699; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Three recorded in the Office of the County Clerk of Polk County, Texas, under Volume 566, Page 636; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Four recorded in the Office of the County Clerk of Polk County, Texas, under Volume 571, Page 99; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Five recorded in the Office of the County Clerk of Polk County, Texas, under Volume 591, Page 404; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Six recorded in the Office of the County Clerk of Polk County, Texas, under Volume 560, Page 711; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Sections Seven, Eight, Nine, Ten and Eleven recorded in the Office of the County Clerk of Polk County, Texas, under Volume 599, Page 192; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Twelve recorded in the Office of the County Clerk of Polk County, Texas, under Volume 599, Page 181; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Thirteen recorded in the Office of the County Clerk of Polk County, Texas, under Volume 621, Page 428; Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Fourteen recorded in the Office of the County Clerk of Polk County, Texas, under Volume 704, Page 568; as may be supplemented and amended from time to time encumbering the Lake Livingston Village community (the "Community"); and

WHEREAS, Chapter 209 of the Texas Property Code was amended effective September 1, 2021, to amend Subsection 209.007(a) and adding Subsections 209.007(f), 209.007(g), and 209.007(h) thereto ("Section 209.007"); and

WHEREAS, Section 209.007 allows owners to request a hearing before the board of directors ("209 Hearing") concerning an alleged violation of the restrictive covenants; and

WHEREAS, the Board has determined that in connection with the adoption of guidelines concerning 209 Hearings, it is appropriate for the Association to adopt the guidelines described herein below; and

WHEREAS, the Bylaws of the Association provide that a majority of the members of the Board shall constitute a quorum for the transaction of business and that the action of a majority of the members of the Board at a meeting at which a quorum is present is the action of the Board; and

WHEREAS, the Board held a meeting on the 20 day of NOVEMBER, 2021 (the "Adoption Meeting"), at which at least a majority of the members of the Board were present and duly passed the guidelines described herein below (the "209 Hearing Guidelines").

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the members of the Board were present and the Board duly adopted the 209 Hearing Guidelines. The 209 Hearing Guidelines are effective upon recordation of this Certificate in the Official Public Records, and supplement any restrictive covenants, guidelines or policies described in the 209 Hearing Guidelines which may have previously been in effect for the Community, unless such restrictive covenants, guidelines or policies are in conflict with the 209 Hearing Guidelines, in which case the terms in the 209 Hearing Guidelines will control. The 209 Hearing Guidelines are as follows:

1. **General**. The 209 Hearing Guidelines set forth the general procedure for 209 Hearings if an owner is entitled to an opportunity to cure a violation and requests a hearing to discuss and verify facts concerning such violation. To the extent that there is any conflict between the 209 Hearing Guidelines and the Texas Property Code, the Texas Property Code will prevail. The 209 Hearing Guidelines are not meant to limit any rights under the Texas Property Code.
2. **Request for Hearing**. If the owner is entitled to a hearing pursuant to Section 209.007, the owner may submit a written request for a 209 Hearing to discuss and verify facts and attempt to resolve the matter in issue before the Board. The written request must be presented to the Association's then current Community manager.
3. **Notice of Hearing**. Upon receipt of a written request for a 209 Hearing (if the owner is entitled to a hearing pursuant to Section 209.007), the Association shall notify the owner of the date, time, and place of the 209 Hearing not less than ten (10) days before the date of the 209 Hearing.
4. **Evidence Package**. Not later than ten (10) days before the 209 Hearing, the Association shall provide the owner with information related to the violation including, but not limited to, notices, photographs, communications, and other relevant evidence as determined solely by the Board that will be presented at the 209 Hearing.
5. **Hearing Procedure**. A representative of the Association will present the Association's case to the owner. Thereafter, the owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the dispute. The 209 Hearing is not intended to be a trial or debate, subject to questioning or cross examination. Instead, each side will be entitled to present its facts to the other for the purpose of further review. After the 209 Hearing, the Board will consider the information presented by the owner and, upon further deliberation, will notify the owner, in writing, of its decision within a reasonable time period.
6. **Temporary Restraining Order**. The notice and hearing provisions of Section 209.006 of the Texas Property Code do not apply if the Association files a suit seeking a temporary restraining order or temporary injunctive relief.

- 7. Notice. Notice to the Association must be sent to the Association's then current Community manager. Notice to the owner may be sent to the owner by email. An email address provided by the owner or used in communications with the Association shall be sufficient.


EXECUTED on the date of the acknowledgment set forth herein below, to be effective as set forth above.

Lake Livingston Village Improvement Association, Inc.,
a Texas non-profit corporation

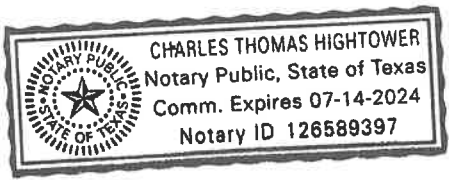
By: 
Howard Vernon Moody, President

THE STATE OF TEXAS §
 §
COUNTY OF POLK §

This instrument was acknowledged before me on NOVEMBER 23, 2021, by Howard Vernon Moody, President of Lake Livingston Village Improvement Association, Inc., a Texas non-profit corporation, on behalf of said corporation.


Notary Public, State of Texas

WHEN RECORDED, RETURN TO:
Hoover Slovacek LLP
5051 Westheimer, Suite 1200
Houston, Texas 77056



STATE OF TEXAS } *KP*
COUNTY OF POLK }
I, SCHELANA HOCK hereby certify that the Instrument was FILED in the file number sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records in Volume and Page of the named RECORDS OF Polk County, Texas as stamped hereon by me.

FILED FOR RECORD
2021 NOV 23 PM 2:11

NOV 23 2021

Schelana Hock
6520180001061335654.WPD.1
SCHELANA HOCK
POLK COUNTY CLERK

 *Schelana Hock*
COUNTY CLERK
POLK COUNTY, TEXAS