

# 12785

**CERTIFICATE OF ADOPTION  
OF  
SWIMMING POOL ENCLOSURE GUIDELINES  
OF  
LAKE LIVINGSTON VILLAGE IMPROVEMENT ASSOCIATION, INC.**

STATE OF TEXAS           §  
  §  
COUNTY OF POLK         §

**KNOW ALL PERSONS BY THESE PRESENTS:**

**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 202 of the Texas Property Code was amended effective September 1, 2021, by adding Section 202.022 thereto ("Section 202.022"); and**

**WHEREAS, Section 202.022 provides that swimming pool enclosure ("Swimming Pool Enclosure") means a fence that: (1) surrounds a water feature, including a swimming pool or spa; (2) consists of a transparent mesh or clear panels set in metal frames; (3) is not more than six feet (6') in height; and (4) is designed to not be climbable; and**

**WHEREAS, Section 202.022 requires a property owners' association to allow Swimming Pool Enclosures, subject to certain guidelines and restrictions; and**

**WHEREAS, the Board has determined that in connection with the adoption of guidelines and restrictions on Swimming Pool Enclosures in the Community, 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 "Swimming Pool Enclosure 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 Swimming Pool Enclosure Guidelines. The Swimming Pool Enclosure Guidelines are effective upon recordation of this Certificate in the Official Public Records, and supplement any restrictive covenants, guidelines or policies regarding the types of Swimming Pool Enclosures described in any guidelines which may have previously been in effect for the Community, unless such restrictive covenants, guidelines or policies are in conflict with any previously adopted swimming pool enclosure guidelines, in which case the terms in the Swimming Pool Enclosure Guidelines will control. The Swimming Pool Enclosure Guidelines are as follows:

**A Swimming Pool Enclosure may be installed around a water feature, including a swimming pool or spa, that is located on the owner's property, under the following conditions:**

1. **The Swimming Pool Enclosure shall conform to applicable state or local safety requirements, shall not exceed six feet (6') in height, and shall not be below the minimum height required by law;**
2. **The Swimming Pool Enclosure shall be designed not to be climbable;**
3. **The property owner must apply for and obtain written approval from the Association's architectural reviewing body (the "Architectural Reviewing Body") prior to installation of a Swimming Pool Enclosure. Applications must include details on the size, appearance, color, location and materials;**
4. **The Swimming Pool Enclosure must be kept in good repair;**
5. **The Association may prohibit any Swimming Pool Enclosure that is not in compliance with these Swimming Pool Enclosure Guidelines, and also may require the removal of the non-conforming Swimming Pool Enclosure and restoration of the property to its original condition; and**
6. **The Architectural Reviewing Body and the Association's Board, on any appeal of the Architectural Reviewing Body decision, have the absolute discretion to deny any Swimming Pool Enclosure that is not black in color and does not consist of transparent mesh set in metal frames.**

**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

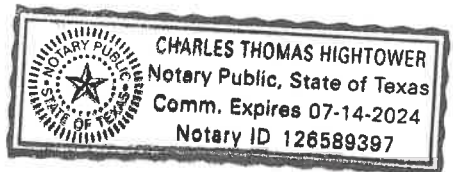
By: *Howard Vernon Moody*  
Howard Vernon Moody, President

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.

*Charles Thomas Hightower*  
Notary Public, State of Texas

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



FILED FOR RECORD  
2021 NOV 23 PM 2:19

*Schelana Hock*  
SCHELANA HOCK  
POLK COUNTY CLERK

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.

NOV 23 2021



*Schelana Hock*  
COUNTY CLERK  
POLK COUNTY, TEXAS