SUMMERSET ESTATES PROPERTY OWNERS ASSOCIATION
DEED RESTRICTION VIOLATION HEARING POLICY

STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

WHEREAS, Summerset Estates Property Owners Association, a Texas nonprofit corporation (the "Association") is the governing entity for Summerset Estates, a Subdivision in Montgomery County, Texas (the "Subdivision"); and

WHEREAS, the Association is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declaration for the Subdivision; and

WHEREAS, all terms used herein that are defined in Chapter 209 of the Texas Property Code shall have the meanings as defined in the statute; and

WHEREAS, Section 209.007 of the Texas Property Code was amended to establish additional hearing procedures that a property owners association must follow when enforcing deed restriction violations for which an owner is entitled to an opportunity to cure the violation; and

WHEREAS, to the extent any existing governing document or dedicatory instrument does not conflict with this Policy or Section 209.007 of the Texas Property Code, such provision remains in full force and effect; and

WHEREAS, this Dedicatory Instrument represents 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 Restrictive Covenants; and

WHEREAS, this Deed Restriction Violation Hearing Policy ("Policy") is applicable to the Subdivision and Association.

NOW, THEREFORE, in light 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 *Deed Restriction Violation Hearing Policy*:

1. If an owner is entitled to an opportunity to cure a violation, the owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the Board of Directors. Such request must be delivered to the Association's address or electronic mail address provided on the most recently filed management certificate.
2. An owner must submit a written request for a hearing on or before the 30th day after the date the notice of violation and right to a hearing was mailed to the owner. An owner that fails to request a hearing within thirty (30) days after the date the certified notice of violation was mailed will not be entitled to a hearing.

3. The Association shall hold the hearing not later than the 30th day after the date the request for a hearing is received.
4. The Association shall notify the owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing.
5. The Board or the owner may request a postponement, and, if required, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties.
6. The owner or the Association may make an audio recording of the meeting.
7. Not later than 10 days before the Association holds a hearing under this Policy, the Association shall provide to the owner a packet containing documents, photographs, and communications relating to the matter (excluding any attorney-client privileged communications) that the Association intends to discuss at the hearing.
8. If the Association does not provide a packet within the period, an owner is entitled to an automatic 15-day postponement of the hearing.
9. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the owner. An owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute.
10. After the hearing is concluded, the Board may discuss and consider the information presented. The Board will then provide the owner with a written notice of its decision regarding the matter of the hearing.
11. All hearings will be held in private.
12. The notice and hearing provisions of this Policy do not apply if the Association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action.
13. The notice and hearing provisions of this Policy do 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 in 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 laid out in this Policy.

This Policy is effective upon recordation in the Public Records of Montgomery County, Texas. Except as affected by Section 209.007 and/or by this Policy, all other provisions contained in the Declaration or any other dedicatory instruments of the Association shall remain in full force and effect.

CERTIFICATION

I, the undersigned, being the President of the Summerset Estates Property Owners Association hereby certify that the foregoing Policy was adopted by at least a majority of the Summerset Estates Property Owners Association's Board of Directors at a properly noticed, open Board meeting, at which a quorum of the Board was present.

Approved and adopted by the Board of Directors on the 28 day of March 2022.

Kevin Simcox
_____, President of Summerset Estates Property Owners Association

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Before me, the undersigned authority, on this day personally appeared Kevin Simcox _____, President of Summerset Estates Property Owners Association, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 28th day of March 2022.

Paula Diane Case
Notary Public, State of Texas

PAULA DIANE CASE
Notary ID #5876929
My Commission Expires
April 18, 2025

AFTER RECORDING, RETURN TO:

SEARS BENNETT & GERDES, LLP

6548 GREATWOOD PKWY.
SUGAR LAND, TEXAS 77479

Doc #: 2022041371
Pages 4

E-FILED FOR RECORD
04/01/2022 11:25AM

COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY
I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

04/01/2022

County Clerk
Montgomery County, Texas