

HUNTERS POINT PROPERTY OWNERS ASSOCIATION
Policy Resolution: Hearing Procedures

Purpose: To provide transparency, and ensure commitment and adherence to integrity in practices, the Hunters Point Property Owners' Association (the "HPPOA") Board of Directors (the "Board") adopts this procedure.

In the event that a property owner (the "Owner") requests a Board hearing pursuant to the [Texas Property Code](#) or the Association's [Governing Documents](#), the following policy will govern the Board Hearing.

Definitions:

"Property Code" means the [State of Texas Property Code, Title 11](#).

"Articles" means the [Articles of Incorporation](#) of Hunters Point Property Owner Association.

"Deed Restrictions" means the [Revised Deed Restrictions](#) and Covenants for Hunters Point Subdivision.

"Amendment" means the [First Amendment](#) to the Revised Deed Restrictions and Covenants of Hunters Point Property Owners Association.

"Bylaws" mean the [By-Laws](#) of Hunters Point Property Owners Association.

"HPPOA" means the Hunters Point Property Owners Association.

"Board" means the Board of Directors serving the Hunters Point Property Owners Association.

"Owners" means the property owners owning property within the Hunters Point Subdivision within that certain tract of property described as: 20.1582 acres out of the Abraham Pevehouse Survey, being Abstract No. 423, Montgomery County, Texas.

All other terms defined as provided in the [Property Code Section 209.002](#).

Section I. Definitions

- A. "ACC" means the Architectural Control Committee, the HPPOA's architectural review authority, as defined by [Section 209.00505](#) of the Code. A person may not be appointed or elected to serve on the ACC if the person is:
- a. A current board member;
 - b. A current board member's spouse; or
 - c. A person residing in a current board member's household.
- B. "ACC Notice" means the notice of ACC denial sent to the Owner by the HPPOA pursuant to Section III(1) of this Policy.
- C. "Board Hearing" means any hearing before the Board pursuant to this Policy.
- D. "Code" means the [Texas Property Code, Chapter 209](#) Texas Residential Property Owners Protection Act, Title 11, Restrictive Covenants.

- E. "Dedictory Instrument" has the meaning as defined by [Section 209.002\(4\) of the Code](#).
- F. "Hearing Notice" means the notice of hearing sent to the Owner by the HPPOA pursuant to Section II(2) of this Policy.
- G. "Hearing Packet" means the packet provided to the Owner by the HPPOA pursuant to Section IV(2) of this Policy.

Section II. Rules Applicable to All Hearings

- 1. A Board Hearing shall be held in a timely manner according to [Property Code Section 209.007\(c\)](#). An Owner may request a Board Hearing after:
 - a. receipt of a notice from the HPPOA regarding a deed restriction violation;
 - b. delinquency arising under the Texas Property Code or the HPPOA's Governing Documents;
 - c. a determination from the ACC.

Notwithstanding the foregoing, the Board Hearing may be scheduled outside of these parameters by mutual agreement of all parties following [Property Code Section 209.005.05\(g\)](#).

- 2. The Board shall provide a Hearing Notice to the Owner, setting forth the date, time, and place of the Board Hearing not later than ten (10) days before the date of the Board Hearing. The Board Hearing may be held by virtual or telephonic means (in which case the access information for the virtual or telephonic Board Hearing shall be the "place" of the Board Hearing for purposes of the Notice). A quorum of the Board is sufficient for a Board Hearing.
- 3. Owners who plan to present documentary evidence at the Board Hearing are expected to provide copies of that documentary evidence to the Board no later than five (5) days before the Board Hearing.
- 4. The Board is not required to deliberate or reach a determination during the Board Hearing. Rather, all information gleaned from the Board Hearing may be taken under advisement by the Board. The Board (or a designated representative of the HPPOA) may inform the Owner of the Board's decision in writing within thirty (30) days of the date of the hearing. If there is no written communication from the Board (or a designated representative of the HPPOA) within this timeframe, then any violation in dispute remains standing.
- 5. The Board may set a time limit for the Board Hearing, to be determined at the Board's sole and absolute discretion, taking into account factors including, but not limited, to the complexity of the issues and the number of exhibits. The Board may communicate the time limitation in any manner to the Owner and will make every effort to communicate the time limitation to the Owner in advance of the date of the hearing. The time limitation will be strictly adhered to and is intended to strike a balance between: (i) allowing the HPPOA an ample time to present its case; (ii) allowing the Owner

ample time to present the Owner's response; (iii) the Board's finite amount of time available to consider the issues.

6. All parties participating in the Board Hearing are expected to treat one another professionally and respectfully. The Board reserves the right to terminate a Board Hearing if the Board, in its sole and absolute discretion, determines that a Board Hearing has become unproductive and/ or contentious. The Board, in its sole and absolute discretion, reserves the right to reconvene any Board Hearing that is terminated pursuant to this Section II(6).
7. Audio recordings may be made following the guidance of [Property Code Section 209.007\(c\)](#).
8. This Policy does not apply to certain instances as outlined in [Property Code Section 209.007\(d\)](#).
9. Owners are entitled to one hearing per Owner's Hearing request, unless the Board in its sole and absolute discretion agrees to allow additional hearings.
10. In accordance with [Section 209.007\(e\) of the Code](#), an Owner or the Board may use alternative dispute resolution services.

Section III. Additional Rules Applicable to Hearings in Connection with Denial of an ACC Application

1. A decision by the ACC can be reviewed in a hearing in accordance with [Property Code Section 209.00505\(d\)](#), [Section 209.00505\(f\)](#) and [Section 209.00505\(i\)](#).

Section IV. Additional Rules Applicable to Other Hearings

1. Subject to the exceptions set forth in Section II(8) of this Policy, this Section IV shall apply to Board Hearings in connection with:
 - a. the levying of fines for violations of the Dedicatory Instruments;
 - b. suspension of an Owner's right to use the Common Areas;
 - c. the filing of a lawsuit against an Owner other than a suit to collect regular or special assessments or foreclosure under the HPPOA's lien;
 - d. charging an Owner for property damage; or
 - e. reporting of any delinquency of an Owner to a credit reporting service.
2. The Board (or a designated representative of the HPPOA) shall include a Hearing Packet according to the guidance of [Property Code Section 209.007](#).

Adopted at a Board meeting of the HPPOA on September 21, 2023.

This policy is adopted under the following guidance:

State of Texas Property Code, [Title 11 Restrictive Covenants, Chapter 207, Texas Residential Property Owners Protection Act, Section 209.007](#), Hearing Before Board; Alternative Dispute Resolution. Should anything in this policy or procedure conflict or be contrary to the state code, the State Regulations will supersede all other guidance.

Article III, Section (j) of the [Articles of Incorporation](#) of the Hunters Point Property Owners' Association empowers the HPPOA to insofar as permitted by law, to do any other thing that, in the opinion of the Board of Directors, will promote the recreation, health, safety and social welfare of the resident of the Properties; and

Article IV, Section 1 of the [Bylaws](#) of the HPPOA empower the management of the HPPOA to be conducted by the Board of Directors; and

The need to establish procedures for the equitable and uniform enforcement of the provisions of the recorded Covenants, Conditions, and Restrictions filed of record in the real property records of Montgomery County, Texas, affecting property located with Hunter's Point Subdivision and the Rules and Regulations adopted by the HPPOA.