

**PARK VILLAGE ESTATES COMMUNITY ASSOCIATION, INC.**  
**SWIMMING POOL ENCLOSURE POLICY**

STATE OF TEXAS                                   §  
   §  
COUNTY OF BRAZORIA                         §

WHEREAS, Park Village Estates Community Association, Inc. (the “Association”), is the governing entity for Park Village Estates, Sections 4, 5, & 6, subdivisions in Brazoria County, Texas, according to the maps or plats thereof, filed for record in the Real Property Records of Brazoria County, Texas, under Document Nos. 2001048132, 2002000608, and, 2002020046, respectively, along with any amendments, replats, and supplements thereto, and any additional real property annexed into the jurisdiction of the Association (the “Subdivision”); and

WHEREAS, this Swimming Pool Enclosure Policy is applicable to the Subdivision and Association; and

WHEREAS, all terms used herein that are defined in Chapter 202 of the Texas Property Code shall have the meaning as defined in the statute; and

WHEREAS Section 202.022 of the Texas Property Code was amended to establish the right of property owners whose property is subject to restrictive covenants to install and maintain certain types of pool enclosures; and

WHEREAS, to the extent this policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this policy controls by virtue of such contrary provision being pre-empted by State law; and

WHEREAS, to the extent any existing governing document or dedicatory instrument does not conflict with this policy or Section 202.022 of the Texas Property Code, such provision remains in full force and effect, including requirements that application for and approval of improvements be obtained prior to installation; and

WHEREAS, this Dedicatory Instrument constitutes 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 these Restrictive Covenants;

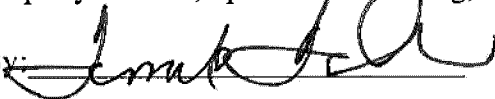
NOW THEREFORE, in view of the foregoing and in compliance with the Texas Property Code, the Association hereby adopts and imposes on the Subdivision and the Association the following policies, rules, and regulations:

Pursuant to Section 202.022 of the Texas Property Code, a property owner may install and maintain a swimming pool enclosure on their property to the extent it satisfies the criteria in paragraph one below and complies with the regulations set forth in paragraphs two through six below.

1. "Swimming Pool Enclosure" shall mean a fence that:
  - a. surrounds a water feature, including a swimming pool or spa;
  - b. consists of transparent mesh or clear panels set in metal frames;
  - c. is not more than six feet in height; and
  - d. is designed to not be climbable.
2. All Swimming Pool Enclosures must conform to applicable state and local safety requirements.
3. No Owner may install a Swimming Pool Enclosure prior to submitting a written application to, and receiving written approval from, the Association.
4. All Swimming Pool Enclosures in the Subdivision must completely surround the relevant water feature.
5. All Swimming Pool Enclosures must consist of black transparent mesh set in black metal frames, or clear panels set in black metal frames. However, alternative materials and styles of Swimming Pool Enclosures may be considered by the Association on a case by case basis if in harmony with surrounding structures and compatible with the architectural design and appearance of the subdivision
6. All Swimming Pool Enclosures, and all Swimming Pool Enclosure components, must be maintained in a state of good repair. Any Swimming Pool Enclosure, and/or any component of any Swimming Pool Enclosure, that deteriorates, becomes rusted, becomes discolored, and/or becomes unsafe, must be immediately replaced and/or repaired.

**CERTIFICATION**

"I, the undersigned, being a Director of Park Village Estates Community Association, Inc., hereby certify that the foregoing was adopted by at least a majority of Park Village Estates Community Association, Inc.'s board of directors, at a properly noticed, open board meeting, at which a quorum of the board was present."

By: 

Print name: Trinita Toler

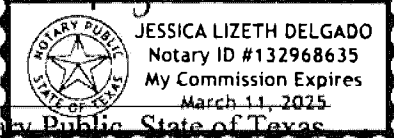
Title: Vice President

**ACKNOWLEDGEMENT**

STATE OF TEXAS                   §  
   §  
COUNTY OF BRAZORIA         §

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 30<sup>th</sup> day of August, 2021.

 JESSICA LIZETH DELGADO  
Notary ID #132968635  
My Commission Expires  
March 11, 2025  
Notary Public, State of Texas

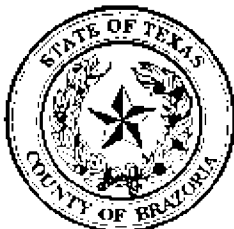
*Jessica Delgado*

# FILED and RECORDED

Instrument Number: 2021060141

Filing and Recording Date: 09/10/2021 04:18:56 PM Pages: 4 Recording Fee: \$34.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink, appearing to read "Joyce Hudman".

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Joyce Hudman, County Clerk  
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

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cclerk-cynthia