

**CERTIFICATE OF ADOPTION
OF
209 HEARING GUIDELINES
OF
WEST OAKS HOMEOWNERS' ASSOCIATION**

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

WHEREAS, the Board of Directors (the “Board”) of West Oaks Homeowners' Association, a Texas non-profit corporation (the “Association”) is charged with administering and enforcing those certain covenants, conditions, and restrictions encumbering the West Oaks 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 24th day of August, 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 regarding the types of religious displays 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.

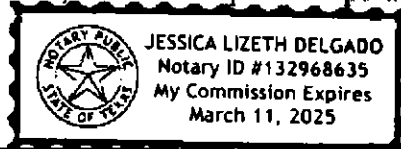
EXECUTED on the date of the acknowledgment set forth herein below, to be effective as set forth above.

West Oaks Homeowners' Association,
a Texas non-profit corporation

By: *Andy Rathbun*
Andy Rathbun, President

THE STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on August 24th, 2021, by Andy Rathbun, President of West Oaks Homeowners' Association, a Texas non-profit corporation, on behalf of said corporation.



Notary Public, State of Texas

Jessica Delgado

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

FILED and RECORDED

Instrument Number: 2021057530

Filing and Recording Date: 08/31/2021 01:29:28 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".

Joyce Hudman, County Clerk
Brazoria County, Texas

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