

**CERTIFICATE OF ADOPTION  
OF  
SWIMMING POOL ENCLOSURE 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 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 24<sup>th</sup> 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 “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.

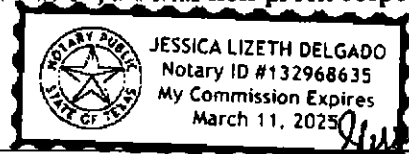
West Oaks Homeowners' Association,  
a Texas non-profit corporation

By:

  
\_\_\_\_\_  
Andy Rathbun, President

THE STATE OF TEXAS §  
§  
COUNTY OF BRAZORIA §

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



*Jessica Delgado*  
Notary Public, State of Texas

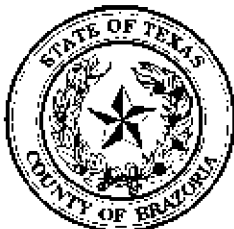
**WHEN RECORDED, RETURN TO:**  
Hoover Slovacek LLP  
5051 Westheimer, Suite 1200  
Houston, Texas 77056

# FILED and RECORDED

Instrument Number: 2021057528

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".

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Joyce Hudman, County Clerk  
Brazoria County, Texas

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cclerk-regina