

CREEKSTONE COMMUNITY ASSOCIATION, INC.
ACC DENIAL LETTER AND APPEAL HEARING POLICY

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Creekstone Community Association, Inc. (hereinafter the "Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of Silverstone, Section One (1) and Creekstone, Sections One (1) through Five (5) (hereinafter the "Subdivision"), a subdivision in Harris County, Texas (referred to collectively as "Declarations"); and

WHEREAS, the ACC Denial Letter and Appeal Hearing Policy is applicable to Association and the Subdivision; and

WHEREAS, all terms used in this Policy that are defined in Chapter 209 of the Texas Property Code shall have the same meaning as defined in said statute;

WHEREAS, Section 209.00505 of the Texas Property Code was added, effective September 1, 2021, to provide a hearing procedure that a property owners association must follow with respect to the method of informing an owner of a denial of an application submitted to the architectural control/review authority for the Association and to provide for a hearing process to enable an owner receiving such a denial to appeal the denial;

WHEREAS, to the extent that this Policy conflicts with any existing governing document or dedicatory instrument of the Association or Subdivision, this Policy controls over such provision. To the extent that any existing governing document or dedicatory instrument does not conflict with this Policy, such provision shall remain in full force and effect; and

WHEREAS, this Dedicatory Instrument constitutes a Restrictive Covenant as that term is defined by the Texas Property Code §202.001, and the Association shall have and may exercise discretionary authority with respect to this Restrictive Covenant;

NOW, THEREFORE, in consideration of the foregoing and in compliance with the Texas Property Code, the Board of Directors of the Association ("Board") hereby approves, adopts and imposes on the Association and the Subdivision the following:

1. A decision by the architectural control/review authority of the Association denying an application for request by an Owner for the construction or modification of an

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improvement or structure in the Subdivision may be appealed to the Board of Directors (hereinafter the "Board").

2. A written notice of the denial must be provided to the Owner by certified mail, hand delivery, or electronic delivery provided by the Owner on the application.
3. A denial notice must:
 - a. describe the basis for the denial in reasonable detail and describe what changes, if any, to the application or the improvement or structure is required as a condition for reconsideration and approval; and
 - b. inform the Owner that the Owner may request a hearing on or before the 30th day after the date the disapproval notice was mailed or delivered to the Owner.
4. An Owner desiring a hearing appealing the denial of an application shall request such a hearing in writing, either by mail, electronic mail, or hand-delivery. Such request must be delivered to the Association's address or electronic address set forth in the most recently-filed management certificate, to the attention of the designated representative, if any.
5. The Board shall hold a hearing not later than the 30th day after the date the Board receives the Owner's request for a hearing, and 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. Only one hearing is required.
6. During a hearing, the Board or the designated representative of the Association and the Owner, or the Owner's designated representative, will each be provided the opportunity to discuss, verify, and resolve the basis for the denial of the application or request for construction or an improvement or structure, and the changes or requested modifications, if any, requested by the architectural control/review authority in the notice provided by the Association to the Owner.
7. The Board or the Owner may request a postponement. If requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements may be granted by agreement of the parties.
8. All hearings will be held with the Owner in private. The Board will consider the matters discussed and vote upon the outcome of the hearing in an open meeting for which notice was provided to the members

9. The Owner or the Association may make an audio recording of the hearing.
10. The Board may, as appropriate, affirm, modify, or reverse, in whole or in part, any decision of the architectural control/review authority.
11. After the conclusion of the hearing, Owner and Owner's designated representative will be required to leave the hearing in order to allow the Board to discuss and consider the information presented by Owner.
12. The Association will provide Owner a written notice with the Board's decision regarding the matter(s) the basis of the hearing.

This Policy is effective upon the later of either the date of recording in the Public Records of Real Property of Harris County, Texas, or September 1, 2021, and supersedes, to the extent applicable, any policy for ACC denial letter and appeal hearing which may have previously been in effect. Except as affected by Section 209.00505 and/or by this Policy, all other provisions contained in the Declarations or any other dedicatory instrument of the Association shall remain in full force and effect.

Approved and adopted by at least a majority of the Board, at an open meeting duly noticed and at which meeting a quorum of the Board was present, on this 28th day of October, 2021.



Edward T. Gallo, President [printed name]
Creekstone Community Association, Inc.

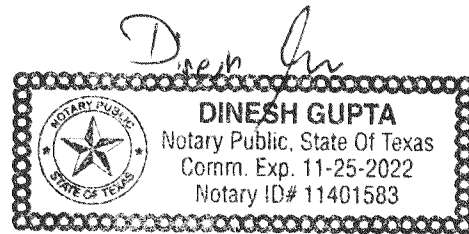
[notarization on the following page]

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Before me, the undersigned authority, on this day personally appeared GERALD TA FALLU, President of Creekstone Community Association, Inc., a Texas non-profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that s/he has executed the same as the act of said corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 4th day of Dec, 2021.

Dinesh Gupta
Notary Public in and for the State of Texas



AFTER RECORDING RETURN TO:

Lori E. Alderson
1523 Avenue A
Katy, Texas 77493

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Pages 5
12/16/2021 09:17 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

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