

TERRANOVA WEST PROPERTY OWNERS ASSOCIATION
ARC APPOINTMENT POLICY

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

WHEREAS, Terranova West Property Owners Association, a Texas nonprofit corporation (the "Association"), is the governing entity for Terranova West, Sections 1, 2, 3, 4, 5; Oaks of Terranova West Section 1, Terravista Section 1, Villa Nova, additions in Harris County, Texas, according to the maps or plats thereof, recorded in the Map Records of Harris County, Texas, under Cleric's File Nos. Volume 286 Page 48, Volume 309 Page 121, Volume 311 Page 142, Volume 309 Page 122, Volume 360 Page 112, Volume 601 Page 198, Volume 625 Page 97, respectively, along with any amendments, supplements, replats, annexations and any other property brought into the jurisdiction of the Association now or in the future (the "Subdivision"); and

WHEREAS the Subdivision is subject to the Declaration of Covenants, Conditions, and Restrictions for Terranova West, Sections 1 through 5, recorded in the Real Property Records of Harris County, Texas, under Clerk's File Nos. G442262, H585966, J743759, H585967 and J735648; Declaration of Covenants, Conditions, and Restrictions for Villa Nova, recorded in the Real Property Records of Harris County, Texas, under Clerk's File No. 20080440829; Declaration of Covenants, Conditions, and Restrictions for Oaks of Terranova West, Section 1, recorded in the Real Property Records of Harris County, Texas, under Clerk's File No. R015718; Declaration of Covenants, Conditions, and Restrictions for Terravista (east); and Declaration of Covenants, Conditions, and Restrictions for Terravista (west); along with any amendments and supplements hereto (hereinafter the "Declaration"); and,

WHEREAS Article V, of the Declaration provides that the Board of Directors shall exercise the powers of the Architectural Review Committee (hereinafter jointly referred to as the "ARC"); and

WHEREAS in 2021, Chapter 209 of the Texas Property Code was amended, in part, by adding a Section 209.00505, which provides that a person may not be appointed or elected to serve on an architectural review authority if the person is a current board member, a current board member's spouse, or a person residing in a current board member's household; and,

WHEREAS there is a need to enact an ARC appointment policy to implement a standard procedure for appointing members to the ARC in light of the Texas Property Code's newly-enacted prohibition on directors (and their spouses, etc.) serving on a property owners' association's architectural review authority; 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,

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WHEREAS to the extent any existing governing document or dedicatory instrument does not conflict with this policy or the Texas Property Code, such governing document or dedicatory instrument remains in full force and effect; 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 ARC Appointment Policy:

ARC APPOINTMENT POLICY

1. Any person or party serving on or as the ARC as of the date this Policy is recorded shall continue to serve in that capacity until the first open board of directors meeting of 2022.

2. At the first open board of directors meeting of 2022, and at the first open board of directors meeting of each subsequent year, the Association's board of directors shall appoint an ARC for both new construction and modifications consisting of three (3), members.

- a. ARC members may be natural persons, or may be corporate entities in good standing that are duly operating under the laws of the State of Texas.
- b. ARC members are not required to be Owners, nor are ARC members required to reside in the Subdivision.
- c. Each ARC member shall serve a term running from the date of their appointment to the ARC, until the first open board of directors meeting of the subsequent year.

3. The following categories of persons cannot be appointed to serve on the ARC subsequent to September 1, 2021:

- a. serving board members;
- b. spouses of serving board members;
- c. persons cohabitating with serving board members.

4. ARC members may serve on the ARC for consecutive terms, and there is no limit to the numbers of terms any one ARC member may serve on the ARC.

5. The Association's board of directors may remove any member of the ARC, with or without cause, by majority vote, at any open meeting of the board of directors. Further, any ARC member may resign from the ARC by providing written notice of said resignation to the Association's

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board of directors, and such resignation shall be effective immediately upon the board's receipt of such notice.

6. In the event of the death, removal, or resignation of any member of the ARC, then at the first open board of directors meeting following the death, removal, or resignation of the ARC member, the Association's board of directors may appoint a replacement to serve the remainder of the former ARC member's term.

CERTIFICATION

"I, the undersigned, being a Director of the Terranova West Property Owners Association, hereby certify that the foregoing was adopted by at least a majority of the Terranova West Property Owners Association board of directors, at an open and properly noticed meeting of the board, at which a quorum was present."

By: Mary Beth Kreml

Print name: Mary Beth Kreml

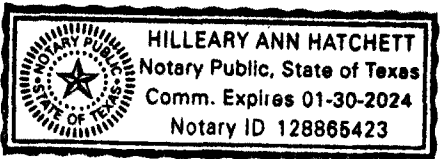
Title: TNW POA, President

ACKNOWLEDGEMENT

STATE OF TEXAS §
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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 23 day of August, 2021.



Hilleaney Hatchett
Notary Public, State of Texas

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e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$26.00

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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