

209 HEARING POLICY
for
VALLEY RANCH HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

I, Tyler Hager, President of Valley Ranch Homeowners Association, Inc. (the “**Association**”), certify that at a meeting of the Board of Directors of the Association (the “**Board**”) duly noticed, and held on the 25th day of August, 2021, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following 209 Hearing Policy (this “**Policy**”) was approved by not less than a majority of the Board members in attendance.

RECITALS:

1. Article X, Section 8, of the Declaration of Covenants, Conditions and Restrictions for Valley Ranch Single Family Residential Areas grants to the Association the power and authority to enforce all covenants, conditions and restrictions set forth in the Dedicatory Instruments (as defined by the Texas Property Code).

2. Section 209.007 of the Texas Property Code (“**Code**”) sets forth notice requirements to provide an Owner with an opportunity to cure a violation or delinquency, including providing the Owner with an opportunity to request a hearing with the Board.

3. The Board desires to adopt a procedure for conducting a hearing that is consistent with Sections 209.006 and 209.007 of the Code and applicable provisions in the Dedicatory Instruments.

4. This Policy replaces and supersedes any previously recorded or implemented policy that addresses the subjects contained herein, if any, adopted by the Association.

BOARD HEARING PARAMETERS

In the event that an Owner requests a Board Hearing pursuant to the Texas Property Code and/or Association’s Governing Documents Enforcement and Fining Policy or Collections Policy, the following parameters will govern the Board Hearing:

I.
Definitions

- A. "ARC" means the Association's architectural review authority, as defined by Section 209.00505 of the Code.
- B. "ARC Notice" means the notice of ARC denial sent to the Owner by the Association pursuant to Section III(A) of this Policy.
- C. "Board Hearing" means any hearing before the Board pursuant to this Policy.
- D. "Code" means the Texas Property Code.
- E. "Dedictory Instrument" has the meaning as defined by Section 209.002(4) of the Code.
- F. "Hearing Notice" means the notice of hearing sent to the Owner by the Association pursuant to Section II(B) of this Policy.
- G. "Hearing Packet" means the packet provided to the Owner by the Association pursuant to Section IV(A) of this Policy.

II.
Rules Applicable to All Hearings

- A. The Board Hearing shall be held no later than the thirtieth (30th) day after the date the Board receives the Owner's request for a Board Hearing. The Board or the Owner may request a postponement and, if requested, a postponement shall be granted for a period of not more than ten (10) days. Notwithstanding the foregoing, the Board Hearing may be scheduled outside of these parameters by agreement of the parties.
- B. The Board shall provide a Hearing Notice setting forth the date, time, and place of the Board Hearing, to the Owner not later than ten (10) days before the date of the Board Hearing. The Board Hearing may be held by virtual or telephonic means, in which case the access information for the virtual or telephonic Board Hearing shall be the "place" of the Board Hearing for purposes of the Notice.
- C. Owners are expected to provide copies of any documentary evidence the Owner intends to introduce at the Board Hearing to the Board no later than five (5) days before the Board Hearing.

- D. The Board is not required to deliberate or reach a determination during the Board Hearing. Rather, all information gleaned from the Board Hearing may be taken under advisement by the Board. The Association or its managing agent may inform the Owner of the Board's decision in writing within thirty (30) days of the date of the hearing. If there is no written communication from the Association or the managing agent within this timeframe, the violation will remain standing.
- E. The Board may set a time limit for the Board Hearing, to be determined at the Board's sole and absolute discretion, taking into account factors including but not limited to the complexity of the issues and the number of exhibits. The Board may communicate the time limitation in any manner to the Owner and will make every effort to communicate the time limitation to the Owner in advance of the date of the hearing. The time limitation will be strictly adhered to and is intended to strike a balance between: (i) allowing the Association ample time to present its case; (ii) allowing the Owner ample time to present the Owner's response; (iii) the Board's finite amount of time available to consider such issues.
- F. All parties participating in the Board Hearing are expected to treat each other professionally and respectfully. The Board reserves the right to terminate a Board Hearing if the Board, in its sole and absolute discretion, determines the Board Hearing has become unproductive and/or contentious. The Board, in its sole and absolute discretion, reserves the right to reconvene any Board Hearing that is terminated pursuant to this Section II(F).
- G. Either party may make an audio recording of the Board Hearing.
- H. This Policy does not apply to instances where the Association files a suit seeking a temporary restraining order, or temporary injunctive relief, or files a suit that includes foreclosure as a cause of action. Further, this Policy does not apply to a temporary suspension of a person's right to use Common Areas that is the result of a violation that occurred in a Common Area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension is effective until the Board makes a final determination on the suspension action after following the procedures prescribed by this Policy.
- I. Owners are entitled to one hearing, unless the Board in its sole and absolute discretion agrees to allow additional hearings.
- J. In accordance with Section 209.007(e) of the Code, an Owner or the Board may use alternative dispute resolution services.

III.
Additional Rules Applicable to Hearings in
Connection with Denial of an ARC Application

- A. In accordance with Section 209.00505(d) of the Code, a decision by the ARC denying an application or request by an Owner for the construction of improvements in the subdivision may be appealed to the Board. An ARC Notice of the denial must be provided to the Owner by certified mail, hand delivery, or electronic delivery. The ARC Notice must:
- a. describe the basis for the denial in reasonable detail and changes, if any, to the application or improvements required as a condition to approval; and
 - b. inform the Owner that the Owner may request a hearing on or before the thirtieth (30th) day after the date the notice was mailed to the Owner.
- B. During the Board Hearing, the Board (or a designated representative of the Association) and the Owner (or the Owner's designated representative) will each be provided the opportunity to verify facts and discuss the resolution of the denial of the Owner's application or request for the construction of improvements, and the changes, if any, requested by the ARC in the notice provided to the Owner under Section 209.004(d) of the Code.
- C. Following the Board Hearing, the Board may affirm, modify, or reverse, in whole or in part, any decision of the ARC as consistent with the Association's Dedicatory Instruments.

IV.
Additional Rules Applicable to Other Hearings

- A. Subject to the exceptions set forth in Section I(G) of this Policy, this Section IV shall apply to Board Hearings in connection with:
- a. the levying of fines for violations of the Dedicatory Instruments;
 - b. suspension of an Owner's right to use the Common Areas;
 - c. the filing of a lawsuit against an Owner other than a suit to collect regular or special assessments or foreclosure under the Association's lien;
 - d. charging an Owner for property damage; or
 - e. reporting of any delinquency of an Owner to a credit reporting service.

- B. The Board shall include with the Notice, a Hearing Packet containing all documents, photographs, and communications relating to the matter which the Board intends to introduce at the Board Hearing.
- C. If the Board fails to provide the Hearing Packet to the Owner at least ten (10) days before the Board Hearing, the Owner is entitled to an automatic fifteen (15) day postponement of the Board Hearing.
- D. During the Board Hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the Owner. An Owner, or an Owner's designated representative is then entitled to present the Owner's information and issues relevant to the dispute. The Board may ask questions of the Owner or designated representative.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing 209 Hearing Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Montgomery County, Texas.

TO CERTIFY which witness my hand this the 25th day of August, 2021.

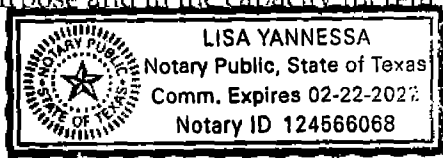
Valley Ranch Homeowners Association, Inc.

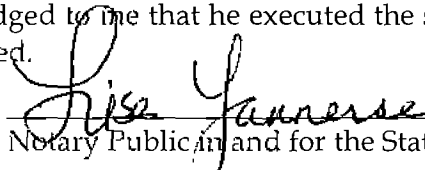
By: 

Tyler Hager - President

THE STATE OF TEXAS §
 §
 COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned notary public, on this 25th day of August, 2021, personally appeared Tyler Hager, President of Valley Ranch Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.




 Notary Public and for the State of Texas

SEVENTH SUPPLEMENTAL
NOTICE OF DEDICATORY INSTRUMENTS
FOR
VALLEY RANCH HOMEOWNERS ASSOCIATION, INC.

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

The undersigned, being the authorized representative of Valley Ranch Homeowners Association, Inc., a property owners' association as defined in Section 202.001 of the Texas Property Code (the "Association"), hereby supplements the "Notice of Dedicatory Instruments for Valley Ranch Homeowners Association, Inc." ("Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on June 6, 2008 under Clerk's File No. 2008-056313, the "First Supplemental Notice of Dedicatory Instruments for Valley Ranch Homeowners Association, Inc." (the "First Supplemental Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on October 1, 2008 under Clerk's File No. 2008-096645, "Second Supplemental Notice of Dedicatory Instruments for Valley Ranch Homeowners Association, Inc." (the "Second Supplemental Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on January 11, 2013 under Clerk's File No. 2013003120, "Third Supplemental Notice of Dedicatory Instruments for Valley Ranch Homeowners Association, Inc." (the "Third Supplemental Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on January 3, 2020 under Clerk's File No. 2020000564, "Fourth Supplemental Notice of Dedicatory Instruments for Valley Ranch Homeowners Association, Inc." (the "Fourth Supplemental Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on November 12, 2020 under Clerk's File No. 2020131064, "Fifth Supplemental Notice of Dedicatory Instruments for Valley Ranch Homeowners Association, Inc." (the "Fifth Supplemental Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on February 6, 2021 under Clerk's File No. 2021024077 and "Sixth Supplemental Notice of Dedicatory Instruments for Valley Ranch Homeowners Association, Inc." (the "Sixth Supplemental Notice") recorded in the Official Public Records of Real Property of Montgomery County, Texas on June 10, 2021 under Clerk's File No. 2021080117, which documents were filed for record for the purpose of complying with Section 202.006 of the Texas Property Code.

Additional Dedicatory Instruments. In addition to the Dedicatory Instruments identified in the Notice, the First Supplemental Notice, the Second Supplemental Notice, the Third Supplemental Notice, Fourth Supplemental Notice, Fifth Supplemental Notice and Sixth Supplemental Notice, the following documents are Dedicatory Instruments governing the Association:

- **Security Measures Policy for Valley Ranch Homeowners Association, Inc.**
- **Bid Solicitation Policy for Valley Ranch Homeowners Association, Inc.**
- **Flag Display Policy for Valley Ranch Homeowners Association, Inc.**
- **Operation of Golf Carts Policy for Valley Ranch Homeowners Association, Inc.**
- **209 Hearing Policy for Valley Ranch Homeowners Association, Inc.**
- **Collection Policy for Valley Ranch Homeowners Association, Inc.**

- Leasing and Occupancy Policy for Valley Ranch Homeowners Association, Inc.
- Certificate of Resolution of Board of Directors of Valley Ranch Homeowners Association, Inc. (Amenity Use Guidance Pursuant to Chapter 148, Texas Civil Practice & Remedies Code).
- Social Media Policy for Valley Ranch Homeowners Association, Inc.
- Display of Religious Items Policy for Valley Ranch Homeowners Association, Inc.
- Swimming Pool Enclosures Policy for Valley Ranch Homeowners Association, Inc.

True and correct copies of such Dedicatory Instruments are attached to this Supplemental Notice.

This Supplemental Notice is being recorded in the Official Public Records of Real Property of Montgomery County, Texas for the purpose of complying with Section 202.006 of the Texas Property Code. I hereby certify that the information set forth in this Supplemental Notice is true and correct and that the copies of the Dedicatory Instruments attached to this Supplemental Notice are true and correct copies of the originals.

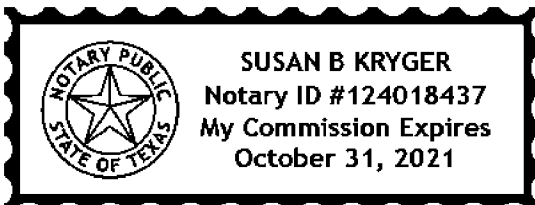
Executed on this 30th day of August, 2021.

VALLEY RANCH HOMEOWNERS ASSOCIATION, INC.

By: 
Eric B. Tonsul, authorized representative

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 30th day of August, 2021 personally appeared Eric B. Tonsul, authorized representative of Valley Ranch Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.




Notary Public in and for the State of Texas

E-FILED FOR RECORD

08/30/2021 09:49AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number
sequence on the date and time stamped herein
by me and was duly e-RECORDED in the Official Public
Records of Montgomery County, Texas.

08/30/2021



County Clerk
Montgomery County, Texas