

ARCHITECTURAL REVIEW POLICY

STATE OF TEXAS §
§
COUNTY OF DALLAS§

Pursuant to Texas Property Code Section 209.00505, the Board of Directors of Village at MacArthur Commons Homeowners Association, Inc. (Association) hereby adopts the following Architectural Review Policy in order to comply with current law in determining eligibility standards for members of the Architectural Review Committee (ARC) and the procedures relating to denial of owner applications for approval of improvements, and appeals of denials.

1. ARC MEMBERS

The Board shall appoint all members to the ARC. Members of the ARC shall number not less than 3 and no more than 5. A person may not be appointed or elected to serve on the ARC, or may not remain on the ARC, if the person is or becomes:

- (a) a current Board member;
- (b) a current Board member's spouse; or
- (c) a person residing in a current Board member's household.

2. DENIAL LETTER REQUIREMENTS

A written notice of a decision by the ARC denying an application or request by an owner for the construction of improvements must be provided to the owner by certified mail, hand delivery, or electronic delivery. The 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 of approval; and
- (b) inform the owner that the owner may request a hearing pursuant to the provisions of paragraph 3 below, on or before the 30th day after the date the notice was mailed to the owner.

3. APPEAL

An ARC decision denying an application or request by an owner for the construction of improvements may be appealed to the Board, provided that the owner provides written notice to ARC and the Board of Directors on or before the 30th day after the date the notice of denial was mailed to the owner. Written notice of appeal must be made by certified mail, hand delivery, or electronic delivery.

4. APPEAL HEARING

- (a) The Board shall hold a hearing under this section not later than the 30th day after the date the Board receives an owner's timely request for a hearing. The Board 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 by certified mail, hand delivery, or electronic delivery. Only one hearing is required.
- (b) The Board or the owner may request a postponement of the hearing. If requested, a postponement shall be granted for a period of not more than 10 days. Subsequent postponements may be granted by agreement of the Board and owner.
- (c) 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 facts, and resolve the denial of the owner's application or request for the construction of improvements, and the changes, if any, requested by the ARC as stated in the hearing notice provided to the owner.
- (d) The Association and the owner each have the right to make an audio recording of the meeting.
- (e) The Board may affirm, modify, or reverse, in whole or in part, any decision of the ARC which is consistent with the Declaration of Restrictive Covenants.

CERTIFICATION

I hereby certify that, as Secretary of the Village at MacArthur Commons Home Owners Association, the foregoing Architectural Review Policy was approved on the _____ day of _____, _____, at a meeting of the Board of Directors at which a quorum was present.

DATED:

Beverly Gray,
Secretary

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BEFORE ME, on this day personally appeared Beverly Gray, the Secretary of the Village at MacArthur Commons Home Owners Association, Inc., a Texas non-profit corporation known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed and in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, on

_____.

Notary Public - State of Texas