

**ADDITIONAL DEDICATORY INSTRUMENT FOR
THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION**

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

BEFORE ME, the undersigned authority, on this day personally appeared Christopher J. Archambault who, being by me first duly sworn, states on oath the following:


My name is Christopher J. Archambault I am over twenty-one (21) years of age, of sound mind, capable of making this affidavit, authorized to make this affidavit, and personally acquainted with the facts herein stated:

I am the Attorney for THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION. Pursuant with Section 202.006 of the Texas Property Code, the following documents are copies of the original official documents from the Association's files:

1. **Guidelines For Installation Of Swimming Pool Enclosures;**
2. **Policy Regarding Service On The Architectural Control Committee;**
3. **Guidelines For Bid Solicitation And Review Process;**
4. **Policy Regarding Deed Restriction Violation Hearings;**
5. **Guidelines For Display Of Certain Religious Items;**
6. **Guidelines For Installation And Use Of Certain Residence Security Measures.**

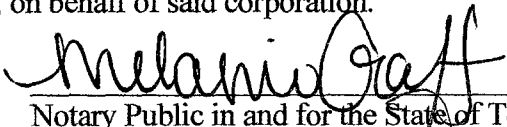
DATED this 26th day of August 2021.

**The Cliffs at South Shore Property Owners
Association.**

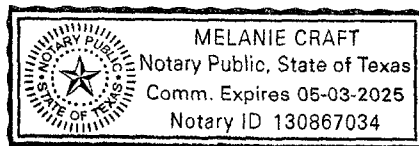
BY: 
Christopher J. Archambault, Attorney
(Printed Name)

THE STATE OF TEXAS §
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COUNTY OF HARRIS §

THIS INSTRUMENT was **acknowledged** before me on this the 26th day of August, 2021 by the said Christopher J. Archambault, Attorney for The Cliffs at South Shore Property Owners Association, a Texas non-profit corporation, on behalf of said corporation.


Notary Public in and for the State of Texas

After Recording Return To:
Daughtry & Farine, P.C.
17044 El Camino Real
Houston, Texas 77058
ATTN: CJA/mc
(1772.0001)



**THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION
GUIDELINES FOR INSTALLATION OF SWIMMING POOL ENCLOSURES**

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as “Declarations”); and

WHEREAS, Section 202.022 of the Texas Property Code was added by the 87th Texas Legislature dealing with the regulation of swimming pool enclosures; and

WHEREAS, the Board of Directors of the Association (“Board”) has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation of swimming pool enclosures, it is appropriate for the Association to adopt guidelines regarding the installation of swimming pool enclosures within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Installation of Swimming Pool Enclosures* within the community:

Swimming Pool Enclosures

This Policy applies to any safety enclosure that is intended to surround a water feature, including a swimming pool or spa. This policy does not apply to rear yard perimeter fencing.

Swimming pool enclosures shall be required to:

1. consist of transparent mesh or clear panels set in black metal frames;
2. be no taller than six feet (6’) in height;
3. be designed so as not to be climbable; and
4. conform with any applicable state and local safety requirements.


Swimming pool enclosures must obtain ACC approval via a minor improvement request form, detailing the material of construction, color (black), height, and a sketch of the enclosure placement around the pool and/or spa.

All swimming pool enclosures shall be kept in good condition and repair at all times, so as to serve their intended purpose, and so as not to detract from the overall appearance of the property.

The guidelines are effective upon recordation in the Public Records of Montgomery County, and supersede any guidelines for installation of swimming pool enclosures outlined herein which may have previously been in effect. Except as affected by Section 202.022 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 24th day of August 2021.

**THE CLIFFS AT SOUTH SHORE PROPERTY
OWNERS ASSOCIATION**

Signed: 

Name: KEN SEBER

Position: PRESIDENT

**THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION
POLICY REGARDING SERVICE ON THE ARCHITECTURAL CONTROL COMMITTEE**

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

WHEREAS, THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION, (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as “Declarations”); and

WHEREAS, Section 209.00505 of the Texas Property Code was added by the 87th Texas Legislature dealing with service on a property owners’ association’s architectural review authority; and

WHEREAS, the Board of Directors of the Association (“Board”) desires to establish the procedures by which members shall be appointed to and serve on the Association’s Architectural Control Committee;

NOW, THEREFORE, the Board has duly adopted the following *Policy Regarding Service on the Architectural Control Committee*:

SERVICE ON THE ARCHITECTURAL CONTROL COMMITTEE

Pursuant to Section 209.00505 of the Texas Property Code, a person may not be appointed or elected to serve on the ACC if the person is also; 1) a current board member, 2) a spouse of a current board member, or 3) a person residing in a current board member’s household.

Only to the extent Section 209.00505 of the Texas Property Code contradicts and supersedes the Association’s Declaration, the following provisions shall govern the appointment and service of members on the Association’s ACC:

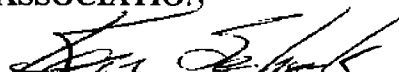
1. No Association Board Member, spouse of a current Board Member, or person resident with a current Board Member may be appointed to serve on the ACC;
2. The Association’s Board of Directors shall appoint members to serve on the ACC;
3. Members of the ACC may be removed by the Association’s Board of Directors at any time, and without cause;
4. The ACC shall be comprised of three (3) persons, none of whom shall be required to be residents;
5. Following the election of new Board Members at the Annual Meeting of the POA Membership, any members of the ACC who are disqualified, shall be replaced by the Board. ACC members will serve until their resignation or removal by the Board via a quorum vote.
6. One Board Member may be appointed by the Association’s Board of Directors to serve as a Board Liaison to the ACC and assist with interpretation of the Association’s governing documents, but shall not be a member of the ACC and shall not vote on the approval/denial of any ACC applications;

7. Decisions made by ACC:
 - a. Approvals or Denials shall require a majority vote of the ACC;
 - b. Upon any decision by the ACC of an ACC application, the ACC Board Liaison shall notify the Association's Board of Directors of the ACC's decision;
8. Denial of an ACC application:
 - a. A written notice of the denial must be provided to the Owner via certified mail, hand-delivery, or via electronic delivery (e-mail);
 - b. The denial letter must state with reasonable detail the basis for the denial and include proposed changes, if any, which would be required as a condition of approval.
 - c. The denial letter must inform the Owner that they may appeal the ACC's decision to the Association's Board of Directors if they request a hearing on or before the 30th day after the date the denial notice was mailed;
9. Denial and Appeal Hearings:
 - a. Upon an Owner's timely request for a hearing, the Board shall hold a hearing no later than the 30th day after receipt of the Owner's request
 - b. The Owner shall be notified of the date, time and place of the hearing not later than the 10th day before the hearing is to take place;
 - c. During the hearing, the Board 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 ACC in the notice provided to the owner;
 - d. The Board or the Owner may request a postponement. If requested, a postponement shall be granted for a period of not more than 10 days; Additional postponements may be granted by agreement of the parties.
 - e. The POA or the Owner may make an audio recording of the meeting;
 - f. The Board of Directors may affirm, modify or reverse any decision made by the ACC to the extent the decision is consistent with provisions of the Association's Declaration.

This policy is effective upon recordation in the Public Records of Montgomery County, and supersedes any conflicting provisions 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 instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 24th day of AUGUST 2021.

THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION

Signed: 

Name: KEN SEBEN

Position: PRESIDENT

**THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION
GUIDELINES FOR BID SOLICITATION AND REVIEW PROCESS**

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

WHEREAS THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as “Declarations”), including maintaining the common areas; and

WHEREAS Section 209.0052 of the Texas Property Code was amended by the 87th Texas Legislature dealing with the regulation of association contracts and the bid process; and

WHEREAS, the Board of Directors of the Association (“Board”) has determined that in connection with maintaining the residential plan, procedures, and harmony of the community, and to provide clear and definitive guidance regarding Association contracts and the bid process, it is appropriate for the Association to adopt guidelines regarding the bid process within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Bid Solicitation and Review Process* within the community:

Guidelines for Bid Solicitation and Review Process

- I. Bid Process for Service Contracts or Construction Projects over \$50,000.**
- A. In accordance with Texas Property Code Section 209.0052(c), if the Association proposes to contract for services that will cost more than \$50,000, it shall solicit bids or proposals using a bid process established by the association.
 - B. The following **bid process** shall be used in such cases where the Association desires to contract for services or construction projects over \$50,000:
 - 1. The Association shall solicit no fewer than two bids for services, **if reasonably available**.
 - 2. The Board of Directors shall evaluate such bids and make their decision based on what is in the best interest of the Association.
 - C. Exceptions:
 - 1. The board may waive the 2nd bid requirement in its discretion by a majority affirmative vote of the board in instances where no other contractor may be found or is willing to submit a bid.
 - 2. The board may waive the 2nd bid requirement in its discretion by a majority affirmative vote of the board in instances where specialty trades are needed for contracts in which:
 - a. the contractor would be the company maintaining the project after completion (i.e., the pool contractor that replastered the pool will be maintaining the pool chemicals or the landscape company that installed the plants will be maintaining the landscaping,), and
 - b. getting another contractor to do the work would endanger the warranty.

3. This Section I does not apply if the contract is between the Association and:
1) a board member, 2) his relative or 3) his or his relative's company in which he or his relative has a financial interest in at least 51% of the profits. If that is the case, then the Association must get at least two other bids per Section 209.0052(b)(1) if reasonably available. (Please see Section II below.)

II. Bid Process for Contracts with a Current Association Board Member, Relative, or Related Company.

- A. In accordance with Texas Property Code Section 209.0052(b), the Association may only enter into an enforceable contract with the following parties if the procedure outlined in Section II. B below is followed:
 1. a current association board member,
 2. a person related to a current association board member within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code,
 3. a company in which a current association board member has a financial interest in at least 51 percent of profits, or a company in which a person related to a current association board member within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a financial interest in at least 51 percent of profits.
- B. The following **bid process** shall be used in cases where the Association desires to enter into a contract with the parties listed in Section II. A. above:
 1. the board member, relative, or company bids on the proposed contract;
 2. the association receives at least two other bids from persons not associated with the board member, relative, or company, if reasonably available, in the community;
 3. the board member:
 - (A) is not given access to the other bids;
 - (B) does not participate in any board discussion regarding the contract; and
 - (C) does not vote on the award of the contract;
 4. the material facts regarding the relationship or interest with respect to the proposed contract are disclosed to or known by the association board;
 5. the board, in good faith and with ordinary care, authorizes the contract by the affirmative vote of a majority of the remaining board members who do not have an interest governed by this subsection; and
 6. the association board certifies that the other requirements of this subsection have been satisfied by a resolution approved by the affirmative vote of a majority of the board members who do not have an interest governed by this subsection.


III. Applicability.

The above Bid Solicitation and Review Process does not apply to a contract entered into by an association during the development period.

The guidelines are effective upon recordation in the Public Records of Montgomery County and supersede any guidelines for bid solicitation and review which may have previously been in effect. Except as affected by Section 209.0052 and/or by these guidelines, all other provisions contained in the Declarations, or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 24th day of AUGUST 2021.

**THE CLIFFS AT SOUTH SHORE PROPERTY
OWNERS ASSOCIATION**

Signed: 

Name: KEN SEBEK

Position: PRESIDENT

**THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION
POLICY REGARDING DEED RESTRICTION VIOLATION HEARINGS**

STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF MONTGOMERY §

WHEREAS, THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as “Declarations”); and

WHEREAS, Section 209.007 of the Texas Property Code was amended by the 87th Texas Legislature dealing with the regulation of deed restriction violation hearings; and

WHEREAS, the Board of Directors of the Association (“Board”) desires to establish the procedure by which all hearings under Section 209.007 will be conducted.

NOW, THEREFORE, the Board has duly adopted the following *Policy Regarding Deed Restriction Violations*:

Deed Restriction Violation Hearings

After receiving a notice pursuant to Section 209.006 of the Texas Property Code regarding a curable violation, an Owner may request a hearing before the Association’s Board of Directors. The request for a hearing must be submitted in writing on or before the 30th day after the date the notice was mailed to the Owner.

In response to an Owner’s written request, the Association shall hold a hearing not later than the 30th day from the date the request was received. The Board or the Owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties.

Not later than 10 days before the hearing, the Association shall notify the Owner of the date, time, and place of the hearing. Hearings may be conducted virtually or in person. Additionally, the Association shall provide an Owner a packet containing all documents, photographs, and communications relating to the matter the Association intends to introduce at the hearing. The packet may be transmitted electronically. If the packet is not available within 10 days of the hearing, the hearing will be postponed for 15 days.


During a 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 the Owner's designated representative is entitled to present the Owner's information and issues relevant to the appeal or dispute.

Following a hearing, the Board shall provide a written decision to the Owner within 15 days.

This policy is effective upon recordation in the Public Records of Montgomery County, and supersede any prior policies regarding deed restriction violation hearings which may have previously been in effect. Except as affected by Section 209.007 and/or by this policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 24th day of AUGUST 2021.

**THE CLIFFS AT SOUTH SHORE PROPERTY
OWNERS ASSOCIATION**

Signed: 

Name: KEN SEBER

Position: PRESIDENT

**THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION
GUIDELINES FOR DISPLAY OF CERTAIN RELIGIOUS ITEMS**

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as “Declarations”); and

WHEREAS, Section 202.018 of the Texas Property Code was amended by the 87th Texas Legislature dealing with the regulation of display of certain religious items; and

WHEREAS, the Board of Directors of the Association (“Board”) has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the display of certain religious items therein, it is appropriate for the Association to adopt guidelines regarding the display of certain religious items within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Display of Certain Religious Items* within the community:

I. DEFINITIONS

“Religious items” shall be defined as any items which may be construed to reflect an owner’s sincere religious belief.

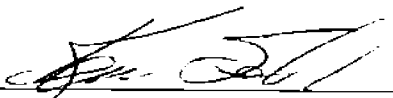
II. POLICY

1. An owner or resident may display a religious item by displaying or affixing it to the owner’s or resident’s property or dwelling which is motivated by the owner’s or resident’s sincere religious belief.
2. The owner or resident shall **not** display or affix a religious item on the owner’s or resident’s property or dwelling that:
 - a. threatens public health or safety;
 - b. violates a law, other than a law prohibiting the display of religious speech;
 - c. contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
 - d. is installed on property owned or maintained by the Association;
 - e. violates any applicable building line, right-of-way, setback or easement; or
 - f. is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole or fixture.
3. The Association shall determine if the religious item is in violation of either sections “2a” through “2f” above.

The guidelines are effective upon recordation in the Public Records of Montgomery County, and supersede any guidelines for certain religious items which may have previously been in effect. Except as affected by Section 202.018 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 24th day of August 2021.

THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION

Signed: 

Name: KEN SEBEK

Position: PRESIDENT

**THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION
GUIDELINES FOR INSTALLATION AND USE OF CERTAIN
RESIDENCE SECURITY MEASURES**

STATE OF TEXAS

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KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS

WHEREAS, THE CLIFFS AT SOUTH SHORE PROPERTY OWNERS ASSOCIATION (“Association”) is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as “Declarations”); and

WHEREAS, Section 202.023 of the Texas Property Code was amended by the 87th Texas Legislature dealing with the regulation of certain security measures; and

WHEREAS, the Board of Directors of the Association (“Board”) has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding the installation of certain security measures therein, it is appropriate for the Association to adopt guidelines regarding the installation and use of such security measures within the community.

NOW, THEREFORE, the Board has duly adopted the following *Guidelines for Installation and Use of Certain Security Measures* within the community:

Exterior Home Video Surveillance Cameras

Owners must submit a minor improvement application form to the Association’s ACC for approval prior to the installation of any security cameras to confirm placement and direction of viewing. Cameras should be compact in size and as obscured from view as possible so as not to detract from the appearance of the home.

Cameras must be placed only on an owner’s private property, and not on any right-of-way, public sidewalk or street, common area or neighboring private property. Any camera lens must be angled such that the camera does not observe or record the private properties of others and should be directed only toward the Owner’s property.

A property owner may not use exterior cameras to unreasonably intrude on the privacy of neighboring properties or their occupants.

Motion detectors that Owners install for security purposes may be connected to security lights as long as lights are not placed such that they are a nuisance for neighboring properties. Lights activated by motion detectors should turn off within a reasonable amount of time.

Perimeter Security Fencing for Front Yard

Rear yard perimeter fencing is subject to the existing recorded dedicatory instruments for the Association, and is not changed or altered by this Policy.

Any fencing installed for security purposes in front of the front building line of the owner's lot shall be approved in writing by the Architectural Control Committee prior to installation, to ensure harmony with the exterior of the residence, neighboring properties, and any Association governing documents.

Any wood, vinyl, wire or chain link fencing is strictly prohibited in front of the front building line of the lot. Perimeter fences for lakefront lots must be of similar wrought iron construction as used along the side utility easements in the rear of lakefront properties. Perimeter fences for interior lots must be of black, wrought iron fence material, regardless of what is used along the side utility easement or back property line. Wrought iron fencing is limited to four (4) feet.

The design and layout of the fencing shall first be approved in writing by the ACC prior to installation to ensure harmony with the exterior of the residence and neighboring properties. The minor improvement request form must include placement details, materials, color (black), and height (4 feet).

Any security fencing shall not block pedestrian access to rights-of-way and/or sidewalks. Any fences placed over utility or road/street easements are subject to conditions detailed in Article II, Section 7 and Section 8 of the Association's Declaration.

All fencing must also be in compliance with all city, county, state, or federal guidelines, laws, or ordinances that regulate visibility, roadway sight line requirements, safety, structure, easements, and all other matters related to building codes, traffic codes, and other relevant regulations.

All fencing shall be kept in good condition and repair at all times, so as not to detract from the overall appearance of the property.

Other Security Measures

Any security measures or devices which are visible from the exterior of the residence or which alter the outward appearance of a residence must be approved in writing by the ACC prior to installation.

The guidelines are effective upon recordation in the Public Records of Montgomery County, and supersede any guidelines for the security measures outlined herein which may have previously been in effect. Except as affected by Section 202.023 and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 24th day of AUGUST 2021.

**THE CLIFFS AT SOUTH SHORE PROPERTY
OWNERS ASSOCIATION**

Signed: 

Name: KEN SEBEK

Position: PRESIDENT

E-FILED FOR RECORD

08/27/2021 10:27AM



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.

08/27/2021



County Clerk
Montgomery County, Texas