

**SPRING CREEK COURT HOMEOWNERS ASSOCIATION, INC.**  
**ACC APPOINTMENT POLICY**

STATE OF TEXAS                   §  
  §  
COUNTY OF HARRIS           §

WHEREAS, Spring Creek Court Homeowners Association, Inc., a Texas nonprofit corporation, (the “ Association” ), is the governing entity for Spring Creek Court, an addition in Harris County, Texas, according to the map or plat thereof, recorded in the Map Records of Harris County, Texas, under Clerk’s File No. under Clerk's File No. X434971, along with any amendments, supplements and replats thereto (the “Subdivision”); and

WHEREAS the Subdivision is governed by the Declaration of Covenants, Conditions, and Restrictions for Spring Creek Court, recorded in the Real Property Records of Harris County, Texas, under Clerk’ s File No. Y131775, along with any amendments and supplements thereto (hereinafter the “ Declaration” ); and

WHEREAS Article II of the Declaration provides that the Association’s Architectural Control Committee (hereinafter the “ACC”) shall constitute the Subdivision’s architectural review authority, and that the Board shall appoint the ACC; 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 ACC appointment policy to implement a standard procedure for appointing members to the ACC 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,

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 ACC Appointment Policy:

RP-2021-549143

## **ACC APPOINTMENT POLICY**

1. Any person or party serving on or as the ACC 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 ACC consisting of three (3), members.

- a. ACC 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. ACC members are not required to be Owners, nor shall they be required to reside in the Subdivision.
- c. Each ACC member shall serve a term running from the date of their appointment to the ACC, until the first open board of directors meeting of the subsequent year.

3. The following categories of persons cannot be elected or appointed to the ACC subsequent to September 1, 2021:

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

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

5. The Association's board of directors may remove any member of the ACC, with or without cause, by majority vote, at any open meeting of the board of directors. Further, any ACC member may resign from the ACC by providing written notice of said resignation to the Association's 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 ACC, then at the first open board of directors meeting following the death, removal, or resignation of the ACC member, the Association's board of directors shall appoint a replacement to serve the remainder of the former ACC member's term.

### **CERTIFICATION**

“ I, the undersigned, being a Director of the Spring Creek Court Homeowners Association, Inc., hereby certify that the foregoing was adopted by at least a

majority of the Spring Creek Court Homeowners Association, Inc.' s board of directors, at an open and properly noticed meeting of the board, at which a quorum was present.”

By: *Jonathan Smith*

Print name: JOHANNON F. SMITH

Title: PRESIDENT

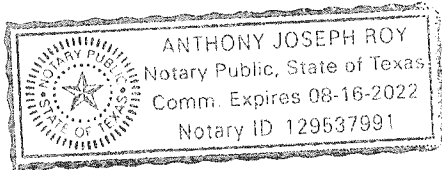
**ACKNOWLEDGEMENT**

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 27<sup>th</sup> day of August, 2021.

*Anthony Joseph Roy*  
Notary Public, State of Texas



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# Pages 4  
09/24/2021 11:52 AM  
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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