

AFTER RECORDING, PLEASE RETURN TO:

**Judd A. Austin, Jr.
Henry Oddo Austin & Fletcher, P.C.
1700 Pacific Avenue
Suite 2700
Dallas, Texas 75201**

**CERTIFICATE AND MEMORANDUM OF RECORDING OF
DEDICATORY INSTRUMENTS
FOR
OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.**

STATE OF TEXAS §
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COUNTY OF SMITH §

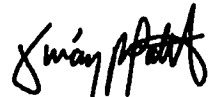
The undersigned, as attorney for Oak Hollow Property Owners' Association, Inc., for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instruments affecting the owners of property described on Exhibit B attached hereto (the "*Property*"), hereby states that the dedicatory instruments attached hereto are true and correct copies of the following:

1. *Policy Establishing the Composition of the Architectural Review Authority (Exhibit A-1);*
2. *Policy Resolution of the Board of Directors of Oak Hollow Property Owners' Association, Inc. Establishing Criteria for Obtaining Bids or Proposals for Certain Contracts (Exhibit A-2);*
3. *Guidelines for the Display of Certain Religious Items (Exhibit A-3);*
4. *Addendum to Covenant Enforcement and Fining Process: Hearing Before the Board (Exhibit A-4);*
5. *Guidelines for Security Measures (Exhibit A-5); and*
6. *Guidelines for the Installation of Swimming Pool Enclosures (Exhibit A-6).*

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instruments. The attached dedicatory instruments replace and supersede all previously recorded dedicatory instruments addressing the same or similar subject matter and shall remain in force and effect until revoked, modified or amended by the Board of Directors.

IN WITNESS WHEREOF, Oak Hollow Property Owners' Association, Inc. has caused this Certificate and Memorandum of Recording of Dedicatory Instruments to be recorded in the Official Public Records of Smith County, Texas.

OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.,
a Texas Non-Profit Corporation



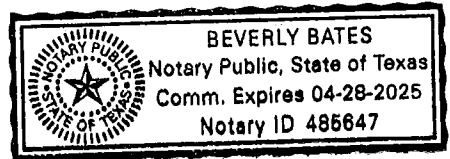
By: _____
Its: Attorney

STATE OF TEXAS §
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COUNTY OF DALLAS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Vinay B. Patel, attorney for Oak Hollow Property Owners' Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 22nd day of November, 2021.



Notary Public, State of Texas

STATE OF TEXAS §
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COUNTY OF SMITH §

OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.

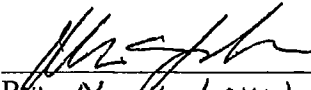
POLICY ESTABLISHING THE COMPOSITION OF THE ARCHITECTURAL REVIEW AUTHORITY

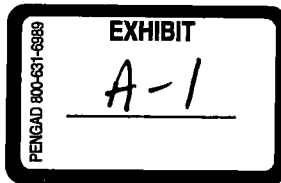
- (1) This Policy controls and prevails over the terms in the Declaration in order to comply with an overriding statutory mandate pursuant to Section 209.00505 of the Texas Property Code.
- (2) Notwithstanding any provision contained in the Declaration to the contrary, this instrument outlines and describes how the architectural review authority or body (the "*Architectural Review Authority*") of Oak Hollow Property Owners' Association, Inc. ("*Association*") may be constituted.
- (3) A person may not be appointed or elected to serve on the Architectural Review Authority if the person is –
 - a. a current board member;
 - b. a current board member's spouse; or
 - c. a person residing in a current board member's household.
- (4) Any member of the Board of Directors is authorized to attend a meeting of the Architectural Review Authority as a Board liaison with no voting rights.

IT IS RESOLVED this Policy was duly introduced, seconded, and was thereafter adopted at a regular scheduled meeting of the Board of Directors, at which a quorum was present, by a majority vote of the members of the Board present and eligible to vote on this matter, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. This Policy shall be filed of record in the Official Public Records of Smith County, Texas.

Date: August 12, 2021.

OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.,
a Texas non-profit corporation


By: Mark Loughmiller
Its: PRESIDENT



STATE OF TEXAS §
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COUNTY OF SMITH §

**POLICY RESOLUTION OF THE
OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.
ESTABLISHING CRITERIA
FOR
OBTAINING BIDS OR PROPOSALS FOR CERTAIN CONTRACTS**

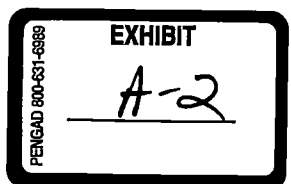
WHEREAS, the Oak Hollow Property Owners' Association, Inc. (the "*Board*") is the entity responsible for the operation of Oak Hollow Property Owners' Association, Inc. (the "*Association*") in accordance with and pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Oak Hollow, filed as Instrument No. 2002-0010251 in the Official Public Records of Smith County, Texas, including any amendments or supplements thereto (collectively, the "*Declaration*") and the Bylaws of the Association (the "*Bylaws*"); and

WHEREAS, pursuant to the Declaration and Bylaws the Board is authorized to enter into contracts for goods or services on behalf of the Association; and

WHEREAS, the Board has determined the need to promulgate criteria for obtaining proposals or bids for certain contracts on behalf of the Association; and

WHEREAS, the Criteria for Obtaining Bids or Proposals for Certain Contracts, attached hereto as Exhibit "1", as authorized by the Declaration and the Bylaws, were approved by the Board duly introduced, seconded, and was thereafter adopted at a regular scheduled meeting of the Board, at which a quorum was present, by a majority vote of the members of the Board present and eligible to vote on this matter, and shall remain in force and effect until revoked, modified or amended by the Board.

NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS that the Board has resolved to adopt, and does hereby adopt, the Criteria for Obtaining Bids or Proposals



for Certain Contracts attached hereto as Exhibit "1".

IT IS FURTHER RESOLVED, that such Criteria for Obtaining Bids or Proposals for Certain Contracts shall be filed of record with the Office of the Smith County Clerk and shall be posted on the Association's website.

Date: August 12, 2021.

**OAK HOLLOW PROPERTY OWNERS'
ASSOCIATION, INC.,
a Texas non-profit corporation**



By: Mark Loughmiller
Its: President

EXHIBIT "1"

CRITERIA FOR SOLICITING BIDS OR PROPOSALS FOR CERTAIN CONTRACTS

The following shall apply to service contracts in excess of \$50,000 ("*Qualifying Contracts*"). Contracts entered into by the Association which are not Qualifying Contracts are exempt from the criteria set forth below except as otherwise provided by law. The scope of any request for proposal shall be determined by the Board. The following shall constitute the criteria ("*Criteria*") for soliciting bids or proposals for Qualifying Contracts:

- The Association may enter into an enforceable Qualifying Contract with a current Board member, a person related to a current Board member within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, a company in which a current Board member has a financial interest in at least 51 percent of profits, or a company in which a person related to a current 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 (collectively, an "*Interested Director*") only if the following conditions are satisfied:
 - (1) the Interested Director bids on the proposed contract and the Association has received at least two other bids for the contract from persons not associated with the Board member, relative, or company, if reasonably available in the community;
 - (2) the Interested Director:
 - (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;
 - (3) the material facts regarding the relationship or interest of the Interested Director with respect to the proposed contract are disclosed to or known by the Board and the Board, in good faith and with ordinary care, authorizes the contract by an affirmative vote of the majority of the Board members other than the Interested Director; and
 - (4) the Board certifies that the other requirements contained herein have been satisfied by a resolution approved by an affirmative vote of the majority of the Board members who do not have an interest in the Qualifying Contract.
- Qualifying Contracts, regardless of whether an Interested Director is involved, shall be solicited, if required herein, as follows:
 - (1) The Board may determine, in its reasonable discretion, to seek two or more bids

or proposals for Qualifying Contracts to the extent bids or proposals are reasonably available in the community.

- (2) The Board, when seeking bids or proposals for Qualifying Contracts, shall determine the extent and scope of any corresponding request for proposal and may engage a third-party to assist in preparing the request for proposal.
- (3) Qualifying Contracts in effect for six years or less from the date this Criteria is approved by the Board may be renewed automatically as determined by the Board, in its reasonable discretion, without seeking bids or proposals.
- (4) Any Qualifying Contract which has been in effect for a period of at least six years following the date this Criteria is approved by the Board must be put out for bid as provided herein.
- (5) Notwithstanding the foregoing, the Board reserves the right to seek and obtain bids for Qualifying Contracts at any time it deems is in the best interest of the Association.

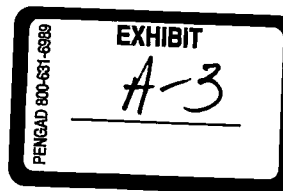
STATE OF TEXAS §
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COUNTY OF SMITH §

OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.

**GUIDELINES FOR THE
DISPLAY OF CERTAIN RELIGIOUS ITEMS**

- (1) These Guidelines are promulgated pursuant to Section 202.018 of the Texas Property Code and outline the restrictions applicable to religious displays in order to permit them while also striving to maintain an aesthetically harmonious and peaceful neighborhood for all neighbors to enjoy.
- (2) An owner may display or affix on owner's or resident's property or dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief.¹
- (3) If displaying or affixing of a religious item on the owner's or resident's property or dwelling violates any of the following covenants, then Oak Hollow Property Owners' Association, Inc. ("*Association*") may remove or require the removal of the item(s) displayed that –
 - (a) threaten the public health or safety;
 - (b) violate a law other than a law prohibiting the display of religious speech;
 - (c) contain language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
 - (d) is in a location other than the owner's or resident's property or dwelling, *i.e.*, installed on property owned or maintained by the Association, or owned in common by two or more members of the Association;
 - (e) is located in violation of 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.
- (4) Display Parameters:
 - a. All religious displays must be located within 5' of the dwelling's frontmost building line (*i.e.*, within 5' of the front facade of the dwelling.)
 - b. Displays may not be located within building setbacks.

¹ For purposes of these Guidelines, a sincere religious belief relates to the faithful devotion to a god or gods, the supernatural or belief that addresses fundamental and ultimate questions having to do with deep and imponderable matters. A religion is comprehensive in nature; it consists of a belief-system as opposed to an isolated teaching. Religious displays are different than signs or other figures related to a cause.



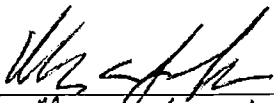
- c. No portion of the display may extend above the lowest point of the dwelling's front roof line.
- d. All displays must be kept in good repair.
- e. Displays may not exceed 5' in height x 3' in width x 3' in depth.
- f. The number of displays is limited to three (3).
- g. This paragraph 4 shall not apply to seasonal religious holiday decorations as described in paragraph 5.
- h. All religious item displays other than seasonal religious displays must receive prior approval from the Association's architectural reviewing body prior to installation, except for displays on any exterior door or door frame of the home that are 25 square inches or smaller. For example, and without limitation, no prior permission is required from the Association to place a cross, mezuzah, or other similar religious symbol smaller than 25 square inches on the dwelling's front door or door frame. If the dedicatory instruments do not designate an architectural reviewing body (such as an architectural control committee), then the approval must be received from the Board of Directors.

(5) Seasonal Religious Holiday Decorations. Seasonal religious holiday decorations are temporary decorations commonly associated with a seasonal holiday, such as Christmas or Diwali lighting, Christmas wreaths, and Hanukkah or Kwanzaa seasonal decorations. The Board of Directors has the sole discretion to determine what items qualify as seasonal religious holiday decorations. Unless otherwise provided by the Declaration, seasonal religious holiday decorations may be displayed no more than 30 days before and no more than 21 days after the holiday in question.

IT IS RESOLVED these Guidelines were duly introduced, seconded, and were thereafter adopted at a regular scheduled meeting of the Board of Directors, at which a quorum was present, by a majority vote of the members of the Board of Directors present and eligible to vote on this matter, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Guidelines shall be filed of record in the Official Public Records of Smith County, Texas.

Date: August 12, 2021.

**OAK HOLLOW PROPERTY OWNERS'
ASSOCIATION, INC.,
a Texas non-profit corporation**


By: Mark Loughmiller
Its: President

STATE OF TEXAS §
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COUNTY OF SMITH §

OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.

ADDENDUM TO COVENANT ENFORCEMENT AND FINING PROCESS: HEARING BEFORE THE BOARD

WHEREAS, pursuant to the Declaration of Covenants, Conditions and Restrictions for Oak Hollow (the "*Declaration*") and the Bylaws of Oak Hollow Property Owners' Association, Inc. (the "*Bylaws*"), the Board of Directors of Oak Hollow Property Owners' Association, Inc. (the "*Association*") is authorized to establish and collect penalties and fines for violations of the Association's dedicatory instruments, including but not limited to the Declaration, Bylaws, rules and regulations, policies, resolutions, or design/architectural guidelines.

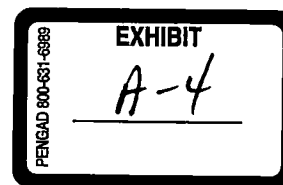
WHEREAS, relevant provisions of the Texas Property Code have been amended which govern the hearing afforded to homeowners following a notice of enforcement action; and

WHEREAS, Article VII, Section 7.3 of the Bylaws sets forth the Association's due process hearing procedures for covenant enforcement; and

WHEREAS, the Board of Directors desires to approve an addendum to the covenant enforcement process to incorporate the relevant provisions of the Texas Property Code, as amended (the "*Addendum*").

NOW, THEREFORE, IT IS RESOLVED, in order to comply with the procedures set forth in Chapter 209 of the Texas Property Code, the following procedures and practices are established and adopted as an Addendum to the covenant enforcement process.

1. Request for a Hearing and Hearing. If the owner challenges the proposed action by timely requesting a hearing, the hearing may be held in executive session of the Board affording the alleged violator a reasonable opportunity to be heard.
 - a. Such hearing shall be held no later than the 30th day after the date the Board receives the owner's request for a hearing. The notice requirement shall be deemed satisfied if the alleged violator appears at the meeting.
 - b. The notice of the hearing shall be sent no later than the 10th day before the date of the hearing.
 - c. The Board or the owner may request a single postponement, and, if requested, a postponement shall be granted for a period of not more than ten (10) days. Additional postponements are allowed but only by agreement between the Board and the owner requesting the hearing.
 - d. Not later than 10 days before the Board holds a hearing, the Association shall provide to the owner a packet containing all documents, photographs, and communications relating to the matter which the Association intends to introduce at the hearing (the "*Evidence Packet*"), if any.

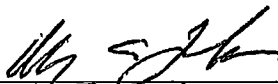


- e. If the Board intends to produce any documents, photographs, and communications during the hearing, and does not send an Evidence Packet to the owner in a timely manner, the owner is entitled to an automatic 15-day postponement of the hearing.
- f. At the commencement of the hearing, a member of the Board or the Association's designated representative shall present the Association's case against the owner.
- g. Following the presentation by the Board, the owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute.
- h. The owner or the Board may make an audio recording of the hearing.
- i. The minutes of the hearing shall contain a written statement of the results of the hearing and the sanction, if any, imposed by the Board. The Board shall notify the owner in writing of its action within ten (10) days after the hearing. The Board may, but shall not be obligated to, suspend any proposed sanction if the Violation is cured within the ten-day period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any owner.

IT IS FURTHER RESOLVED this Addendum was duly introduced, seconded, and was thereafter adopted at a regular scheduled meeting of the Board, at which a quorum was present, by a majority vote of the members of the Board present and eligible to vote on this matter, and shall remain in force and effect until revoked, modified or amended by the Board. This Addendum shall be filed of record in the Official Public Records of Smith County, Texas.

Date: August 12, 2021.

**OAK HOLLOW PROPERTY OWNERS'
ASSOCIATION, INC.,
a Texas non-profit corporation**

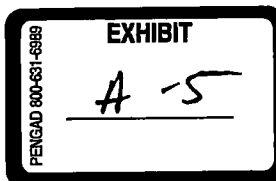

By: Mark Loughmiller
Its: President

STATE OF TEXAS §
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COUNTY OF SMITH §

OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.

GUIDELINES FOR SECURITY MEASURES

- (1) These Guidelines are promulgated pursuant to Section 202.023 of the Texas Property Code and outline the restrictions applicable to the construction or installation of security measures, including but not limited to a security camera, motion detector, or perimeter fence, by owners.
- (2) Owners may install or build security measures on their lot for the purpose of deterring criminal acts or to increase personal security while adhering to and promoting the design, harmony, and aesthetics of the subdivision. Oak Hollow Property Owners' Association, Inc. ("*Association*") shall have the sole and absolute discretion in determining whether an item or improvement is a reasonable security measure subject to the allowances provided by these Guidelines.
- (3) Cameras/Motion Detectors. Owners may place cameras and motion detectors on their lot for security measures, not on the lot of any other owner, and not on any Association property. Cameras shall be used for the primary purpose of capturing images of the lot on which the camera is installed and shall not unreasonably interfere with the use and enjoyment of any neighbor's lot or Association property. Camera use will be limited to situations that do not violate the reasonable expectation of privacy as defined by law.
- (4) Perimeter Fencing. Plans and specifications, including an application for the installation of a perimeter fence, will not be reviewed or approved by the architectural review body *unless* accompanied by: (i) the drawing showing materials, dimensions and location submitted in order to obtain a permit; and (ii) a permit issued by the City or other applicable municipal authority allowing the installation. Perimeter fencing is permitted by the Association as a security measure and must be ground-mounted on the boundary line of the owner's lot and installed in a contiguous manner around the entirety of the lot boundaries. No gaps in perimeter fencing are permitted, *i.e.*, the perimeter fencing must fully enclose the lot. Perimeter fencing shall not exceed six feet (6') in height or be lower than four feet (4') in height. A gate in a perimeter fence is for all purposes considered part of the fence. Any gate shall open towards the interior of the lot. The Association may prohibit fencing other than perimeter fencing. All fencing including perimeter fencing must receive prior written approval from the Association's architectural review body. Perimeter fencing shall not consist of any barbed wire, razor wire, wire mesh, chain link, or vinyl. Electrically charged fencing is prohibited.
- (5) Plans and Specifications. Prior to installation of any security measure, the owner must submit plans and specifications including dimensions, colors, materials, and proposed location on the owner's lot, scaled in relation to all boundary lines and other improvements



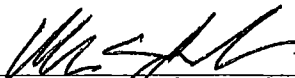
on the lot. Plans must be submitted to the Association's architectural review body, and the owner must receive prior written approval prior to installation of any security measures. All proposed installations must be of a type, including materials, color, design, and location, approved by the architectural reviewing body. The architectural reviewing body may require the use of, or prohibit, specific materials, colors, and designs and may require a specific location(s) for the security measure. An owner who builds or installs a security measure must ensure that compliance with all laws, ordinances and codes. An approval of an application for a security measure by the Association's architectural review body is not a guaranty or representation of compliance with any laws, ordinances, codes or drainage requirements, and the owner assumes all risks, expenses and liabilities associated with safety measures built or installed, including, but not limited to, the city or county requiring the removal of perimeter fencing for any reason.

- (6) AN APPROVAL OF AN APPLICATION FOR A SECURITY MEASURE BY THE ASSOCIATION'S ARCHITECTURAL REVIEW BODY SHALL IN NO WAY BE CONSIDERED OR CONSTRUED THAT THE ASSOCIATION OR ITS ARCHITECTURAL REVIEW BODY ARE INSURERS OR GUARANTORS OF SECURITY OR SAFETY OF PERSONS, PROPERTY OR POTENTIAL CRIMINAL ACTIVITY. FURTHER, NEITHER THE ASSOCIATION NOR ITS ARCHITECTURAL REVIEW BODY SHALL BE HELD LIABLE FOR ANY LOSS OR DAMAGE BY REASON OF FAILURE OR INEFFECTIVENESS OF THE OWNER'S SECURITY MEASURE(S).
- (7) Any security measure built or installed must be properly maintained, kept in good repair, and not permitted to go into a state of disrepair or become an eyesore, as determined in the sole and absolute discretion of the Board of Directors.

IT IS RESOLVED these Guidelines were duly introduced, seconded, and were thereafter adopted at a regular scheduled meeting of the Board of Directors, at which a quorum was present, by a majority vote of the members of the Board of Directors present and eligible to vote on this matter, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Guidelines shall be filed of record in the Official Public Records of Smith County, Texas.

Date: August 12, 2021.

**OAK HOLLOW PROPERTY OWNERS'
ASSOCIATION, INC.,
a Texas non-profit corporation**


By: Mark Loughmiller
Its: President

STATE OF TEXAS §
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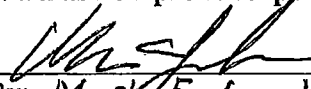
**OAK HOLLOW PROPERTY OWNERS' ASSOCIATION, INC.
GUIDELINES FOR THE
INSTALLATION OF SWIMMING POOL ENCLOSURES**

1. A "Swimming Pool Enclosure," as used herein shall mean and refer to a fence that surrounds a water feature, including a swimming pool or a spa, installed as a safety measure to prevent accidental drownings of children.
2. A Swimming Pool Enclosure may not be installed upon or within common area or any area which owned or maintained by Oak Hollow Property Owners' Association, Inc. ("Association").
3. The Swimming Pool Enclosure may be installed after receiving written approval from the Association's architectural reviewing body. The submittal shall include a pictorial design of the Swimming Pool Enclosure which includes, at a minimum, the height of the fence and the colors of all materials.
4. To be approved, the Swimming Pool Enclosure:
 - a. may not exceed six feet (6') in height;
 - b. may not include, as part of the design, any aspect or feature which would allow a child to climb on, up or over the fence;
 - c. must have black metal frames; and
 - d. must have clear plastic panels or black transparent mesh.
5. The owner is solely responsible, to the exclusion of the Association, to ensure that all aspects of the Swimming Pool Enclosure function properly to effectuate its intended purpose as a safety measure to prevent accidental drownings of children.

IT IS RESOLVED that these Guidelines are effective when filed with the Office of the Smith County Clerk, and shall remain in force and effect until revoked, modified or amended by the Association.

Date: August 12, 2021.

**OAK HOLLOW PROPERTY OWNERS'
ASSOCIATION, INC.,
a Texas non-profit corporation**


By: Mack E. Loughmiller
Its: President

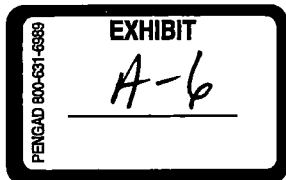


EXHIBIT B

Those tracts and parcels of real property located in the City of Tyler, Smith County, Texas and more particularly described as follows:

- All property subject to the **Declaration of Covenants, Conditions and Restrictions for Oak Hollow** filed on **January 18, 2002**, as **Instrument No. 2002-0010251** of the **Official Public Records of Smith County, Texas**, including amendments and supplements thereto; and
- All property subject to the **Final Plat of SHADDOCK RIDGE AT OAK HOLLOW**, an Addition to the City of Tyler, Texas, as shown on the Plat thereof recorded in **Cabinet E, Slide 167-A**, Plat Records of Smith County, Texas; and
- All property subject to the **New City Block One Thousand Five Hundred Seventy-M (1570-M) BISHOP'S GATE AT OAK HOLLOW, UNIT 3**, according to the map or plat thereof recorded in **Cabinet E, Slide 257-C** of the Plat Records of Smith County, Texas.

**Smith County
Karen Phillips
Smith County Clerk**

Document Number: 202101048188

eRecording - Real Property

NOTICE

Recorded On: November 22, 2021 02:57 PM

Number of Pages: 16

Billable Pages: 15

" Examined and Charged as Follows: "

Total Recording: \$82.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

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.

File Information:

Document Number: 202101048188
Receipt Number: 20211122000151
Recorded Date/Time: November 22, 2021 02:57 PM
User: Alma D



**STATE OF TEXAS
COUNTY OF SMITH**

I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Smith County, Texas.

Karen Phillips
Smith County Clerk
Smith County, TX