

RULES OF BERRY FARMS PROPERTY OWNERS ASSOCIATION, INC.

Basic Information

Date: April 4, 2019

Property Owners Association: Berry Farms Property Owners Association, Inc., established by the Articles of Incorporation filed with the secretary of state of Texas on July 6, 1998 under file number 0000070573001, a Texas nonprofit association, which is an unincorporated organization.

Property Owners
Association's Address:

Declaration: The Declaration of Association Agreement and Protective Covenants for "Berry Farms", a subdivision of Collin County, Texas on or about July 6 1998, in the Real Property Records of Collin County, Texas, Vol. 0004201, page 00013, and as supplemented and amended from time to time.

Definitions: Capitalized terms used but not defined in the Rules have the meaning set forth in the Declaration or Bylaws.

The Property Owners Association adopts these Rules, which will be enforceable on the recording of this document in the real property records of Collin County in which the property described by the Declaration is located. On violation of these Rules, owners may be subject to Penalties for Violation.

A. Architectural Review Board Approval and Inspection Guidelines

Mission: We are a community that strives to maintain the aesthetic beauty and functional value of property within the development; that will continue to improve and add amenities while being sensitive to dues increases; that makes informed decisions representative of the majority interest; and that focuses on maintaining an active and cohesive family environment. Country living that is close to the city.

Committee Philosophy: Homeowners should adhere to applicable city and governmental authority ordinance and codes. The functional value of this Association is that it is less restrictive

than many other neighborhoods or associations, it is located near the city, provides a safe space for pets, animals, and for children to play, while maintaining the peace and quiet of country living.

General Rules: These rules are adopted in accordance with applicable sections of the Association's covenants, conditions, and restrictions ("CCRs").

- Approvals are granted for a specific improvement. A new request must be filed when the improvement is modified or replaced.
- In addition to a potential fine imposed if an improvement is begun PRIOR to approval by the Architectural Review Board, Homeowners who start or complete an improvement prior to Architectural Review Board action, must bring the improvement into compliance with the findings of the Architectural Review Board within 30 days of said action or incur the prescribed fine as stated above. This may involve modification or removal of an improvement at the homeowner's expense.
- Outside Toilet Facilities: Toilet facilities should be allowed if permitted by the City and tied into septic system. Notwithstanding any other rule or guideline to the contrary. Outside toilets facilities defined by the ARB as outhouses, pit toilets, toilets not tied into septic system, or other similar condition or improvement that creates an unsanitary condition are not permitted.
- All requests for approval must be submitted, in writing, on the Berry Farms Property Owners Association Architectural Review Board Modification form and must be signed by the homeowner and completed in its entirety. The form is available from the Association office, and is also available online at www.berryfarmspoa.com.
- The Architectural Review Board does not, under any circumstances, grant verbal approval for any improvement. No Architectural Review Board member, POA Board Member, POA Staff Member, or other POA representative is empowered to give verbal or individual written approval to any improvement.
- The only valid approval of an improvement is the aforementioned form which has been signed by the homeowner and approved in writing by the Architectural Review Board, per the Declarations. Any homeowner who contracts for, or initiates construction of any improvement without this written approval, does so solely at his/her own risk and shall be required to cease and desist no matter the stage or state of the addition / modification at the time.
- Approval by the Architectural Review Board indicates the improvement meets the requirements of the Board. Approval of a request does not ensure that the requests meets the requirements of other organizations (e.g., City, county, zoning, etc.). Nor does it ensure

that it meets other specific restrictions on the subject property (e.g., drainage, easements, set-backs, etc.).

- The Architectural Review Board reserves the right to require the homeowner to gain all required permits from the applicable governing agencies.
- The Architectural Review Board reserves the right to forward Approved Requests to the City and/or other governmental agencies so that they can monitor the permitting and construction of improvements.
- The Architectural Review Board is not responsible for reviewing any request on the basis of structural safety, engineering soundness, or conformance with building or other codes.
- The Architectural Review Board Requests will be evaluated based on the rules that are in-place on the date that the improvement request was received by the Architectural Review Board.
- These rules may be revised through proposal and ratification, by the Architectural Review Board, the Association Board of Directors and when required, the General Membership of the Association.

C. Enforcement Procedures

C.1. Notice. Before the Property Owners Association may (a) suspend an Owner's right to use a common area, (b) file a suit against an Owner other than a suit to collect a Regular Assessment or Special Assessment or foreclose under the Property Owners Association's lien, (c) charge an Owner for property damage, or (d) levy a fine for a violation of the restrictions or Bylaws or Rules of the Property Owners Association, the Property Owners Association or its agent must give written notice to the Owner by certified mail, return receipt requested. The notice must describe the violation or property damage that is the basis for the suspension action, charge, or fine and must state any amount due the Property Owners Association from the Owner. The notice also must inform the Owner that the Owner (a) is entitled to a reasonable period to cure the violation and avoid the fine or suspension, unless the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months; (b) may request a hearing in accordance with Texas Property Code section 209.007 on or before the thirtieth day after the date the Owner receives the notice; and (c) may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901–4043) if the Owner is serving on active military duty. If a hearing is to be held before a committee, the notice must state that the Owner has the right to appeal the committee's decision to the Board by written notice to the Board.

C.2. Hearing. If the Owner is entitled to an opportunity to cure the violation, the Owner has the right to submit a written request for a hearing to discuss and verify facts and resolve

the matter at issue before a committee appointed by the Board or before the Board if the Board does not appoint a committee. The Property Owners Association must hold a hearing under this provision not later than the thirtieth day after the date the Board receives the Owner's request for a hearing and must notify the Owner of the date, time, and place of the hearing not later than the tenth day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested, a postponement will be granted for a period of not more than ten days. Additional postponements may be granted by agreement of the parties. The Owner or the Property Owners Association may make an audio recording of the meeting. The hearing will be held in executive session, affording the alleged violator a reasonable opportunity to be heard. Before any sanction under these Rules becomes effective, proof of proper notice will be placed in the minutes of the meeting. Such proof will be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent who delivered the notice. The notice requirement will be satisfied if the alleged violator appears at the meeting. The minutes of the meeting will contain a written statement of the results of the hearing and the sanction imposed, if any. The Board may, but will not be obligated to, suspend any proposed sanction if the violation is cured within a 90 day period. Such suspension will not constitute a waiver of the right to sanction violations of the same or other provisions and rules by any person.

C.3. *Appeal.* Following hearing before a committee, if any, the violator will have the right to appeal the decision to the Board. To perfect this right, a written notice of appeal must be received by the managing agent, president, or secretary within ten (10) days after the hearing date.

Berry Farms Property Owners Association, Inc.

By 
Duly Authorized Agent

Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
09/04/2019 08:08:54 AM
\$46.00 DFOSTER
20190904001081960







**NOTICE OF FILING OF DEDICATORY INSTRUMENTS
FOR
BERRY FARMS PROPERTY OWNERS ASSOCIATION, INC.**

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

KNOW TO ALL MEN BY THESE PRESENTS:

THE NOTICE OF FILING OF DEDICATORY INSTRUMENTS FOR THE BERRY FARMS PROPERTY OWNERS ASSOCIATION, INC. (this "Notice") is made this 5th day of April, 2019, by Berry Farms Property Owners Association, Inc. (the "Association").

WITNESSETH:

WHEREAS, Berry Farms Property Owners Association, Inc. ("Declarant") prepared and recorded an instrument entitled, "Declaration of Association Agreement and Protective Covenants for 'Berry Farms', a subdivision of Collin County, Texas" on or about July 6 1998, in the Real Property Records of Collin County, Texas, as supplemented and amended from time to time (the "Declaration"); and

WHEREAS, the Association is the property owners' association created by the Declarant to manage and regulate the property covered by the Declaration, which is more particularly described in the Declaration; and

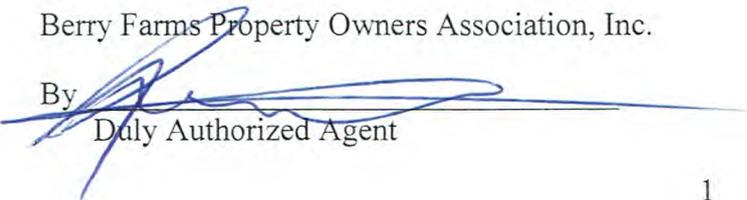
WHEREAS, Section 202.006 of the Texas Property Code provides that a property owners' association must file each dedicatory instrument governing the association that has not been previously recorded in the real property records of the county in which the property is located; and

WHEREAS, the Association desires to record the attached dedicatory instruments in the Real Property Records of Collin County, Texas, pursuant to and in accordance with Section 202.006 of the Texas Property Code.

NOW, THEREFORE, the dedicatory instruments attached hereto as Exhibit "A" is a true and correct copy of the original and is hereby filed of record in the real property records of Collin County, Texas, in accordance with the requirements of Section 202.006 of the Texas Property Code.

IN WITNESS WHEREOF, the Association has caused this Notice to be executed by its duly authorized agent as of the date first above written.

Berry Farms Property Owners Association, Inc.

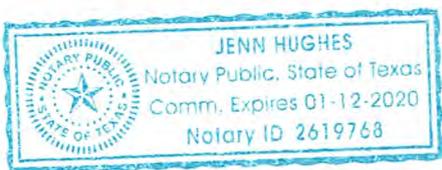
By 
Duly Authorized Agent

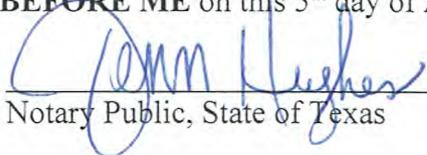
ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared, Rendell Hendrickson, Duly Authorized Agent for Berry Farms Property Owners Association, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to be that he executed the same for the purposes and consideration therein expressed on behalf of the corporation.

SUBSCRIBED AND SWORN TO BEFORE ME on this 5th day of April, 2019.





Notary Public, State of Texas

After Recording, please return to:

Lucè Evans Law, PLLC
5900 S. Lake Forest Dr., Ste. 200
McKinney, TX 75070