



# Bedford Estates

## CERTIFIED RESOLUTIONS OF THE BOARD OF DIRECTORS OF THE BEDFORD ESTATES HOMEOWNERS ASSOCIATION, INC.

### ADOPTION OF PROCEDURES AND GUIDELINES FOR CONDUCTING HEARINGS PURSUANT TO CHAPTER 209 OF THE TEXAS PROPERTY CODE

The undersigned, Kimberlee Smith as the duly elected, qualified, and acting President of the Bedford Estates Homeowners Association, Inc. a Texas nonprofit corporation hereby certifies on behalf of the Association that the following resolutions were duly adopted by the Board of Directors of the Association at a meeting of the Board held on April 4 2022.

WHEREAS, the Association is a property owners association governed by Chapter 209 of the Texas Property Code and is vested with the authority to enforce restrictive covenants and other terms and provisions of that certain Declaration of Covenants, Conditions and Restrictions of Bedford Estates as recorded at Document No. D213074595 in the Official Public Records of Tarrant County, Texas, as may be amended from time to time.

WHEREAS Chapter 209 of the Texas Property Code requires the Board to conduct a hearing if timely requested by a property owner, for the appellate review of negative architectural review determinations and restrictive covenant violations.

WHEREAS the Board desires to adopt procedures and guidelines for conducting such hearings in compliance with Chapter 209 of the Texas Property Code.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the procedures and guidelines set forth in **Exhibit A** attached hereto and incorporated herein by reference.

BE IT RESOLVED FURTHER that the President of the Association is hereby authorized and empowered, in the name and on behalf of the Association, from time to time to do and perform all such further acts and things and to execute and deliver all such further instruments as he or she deem necessary or advisable to carry out and effectuate the intent and purposes of the foregoing resolutions and of the actions referred to therein.

BE IT RESOLVED, FURTHER that any actions taken by the officers or directors of the Association prior to the date of this action or hereafter that are within the authority conferred hereby are hereby ratified, confirmed and approved as the act and deed of the Association.



**D222095441**

04/13/2022 10:37 AM

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Fees: \$59.00

RESOLUTION

SUBMITTER: BEDFORD ESTATES HOA

*Mary Louise Nicholson*  
MARY LOUISE NICHOLSON  
COUNTY CLERK

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**PRESIDENT'S CERTIFICATE**

IN WITNESS WHEREOF, the undersigned has executed this Certificate as President on behalf of the Association to be effective upon the recording of this document in the Official Public Records of Tarrant County, Texas.

NAME: Kimberlee Smith

SIGNATURE: Kimberlee Smith

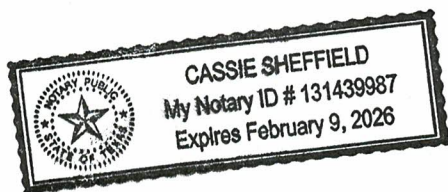
TITLE: President

**STATE OF TEXAS**

**COUNTY OF TARRANT**

This instrument was acknowledged before me on April 6<sup>th</sup>, 2022

By Kimberlee Smith President of the Bedford Estates Homeowners Association, Inc. a Texas non-profit corporation on behalf of said corporation.



Cassie Sheffield

Notary Public Signature

**AFTER RECORDING, PLEASE RETURN TO:**

Kimberlee Smith  
3904 Candlewick Ct.  
Bedford, TX 76021

# ADOPTION OF PROCEDURES AND GUIDELINES FOR CONDUCTING HEARINGS PURSUANT TO CHAPTER 209 OF THE TEXAS PROPERTY CODE

## EXHIBIT A

Chapter 209 of the Texas Property Code imposes certain due process procedures that the Association must perform before it may enforce restrictive covenants and other terms and provisions of the Declaration. Section 209.006 of the Texas Property Code requires the Board to provide a property owner with a statutorily mandated notice and to conduct a hearing if timely requested by such property owner, before the Association may:

- File a suit against a property owner
- Charge a property owner for property damage
- Levy a fine for a violation of the restrictions or bylaws or rules of the Association
- Report any delinquency of a property owner to a credit reporting service
- Hold a property owner liable for attorneys' fees incurred by the Association associated with such enforcement action by the Association

In addition, Section 209.007 of the Texas Property Code imposes statutory procedures for providing notice of and conducting a Chapter 209 Enforcement Hearing.

In addition, the 2021 Texas legislature enacted Section 209.00505 of the Texas Property Code, which establishes authority for the appellate review by the Association's Board of Directors of negative architectural determinations made by the Association's Architectural Control Committee. Section 209.00505 also imposes statutory procedures for providing notice of and conducting a hearing by the Board for the appellate review of such architectural determinations.

The purpose of these procedures and guidelines is to assist the Board in scheduling, providing notice of, and conducting Chapter 209 Enforcement Hearings and Chapter 209 Architectural Review Hearings in compliance with Chapter 209 of the Texas Property Code and to provide property owners requesting such hearings with notice of the procedures and guidelines that will govern such proceedings.

### **PROCEDURES & GUIDELINES FOR CHAPTER 209** **ARCHITECTURAL REVIEW HEARINGS**

To be effective, a request for appellate review by the Board of an eligible architectural determination must be in writing and received by the Association within thirty (30) days from the date written notice of such architectural determination was mailed by certified mail, hand-delivered, or emailed to the property owner.

The written request for appellate review must be sent to the Association by certified mail at the mailing address of the Association or authorized representative as reflected on the most current management certificate filed by the Association or to the current President as posted to the Association's website. Failure to timely request appellate review of an eligible architectural determination shall waive the Board's appellate review authority.

The Board shall conduct an Architectural Review Hearing within thirty (30) days from the date the Board receives a property owner's timely written request for appellate review. The Board shall also provide the property owner notice of the date, time, and location of the hearing at least ten (10) days prior to the date of said hearing.

The notice of the hearing may be mailed, hand-delivered, or emailed to the requesting property owner and shall be considered delivered on the day it is hand-delivered, mailed to the requesting property owner at his or her last

## ADOPTION OF PROCEDURES AND GUIDELINES FOR CONDUCTING HEARINGS PURSUANT TO CHAPTER 209 OF THE TEXAS PROPERTY CODE

known mailing address with proper postage, or emailed to the requesting property owner at an email address provided to the Association by such property owner.

The Board or the requesting property owner may request a postponement of the scheduled hearing date one time each and, if requested, a postponement shall be granted for a period of no more than ten days from the date of the previously scheduled hearing date unless otherwise agreed to by the Board and the property owner. Additional postponements may be granted by agreement of the parties.

The Board shall provide the requesting property owner with the date, time, and location of the rescheduled hearing date at least twenty-four (24) hours in advance of the rescheduled hearing date, notice of a rescheduled hearing date may be given to a property owner by any reasonable manner designed to provide adequate notice of the rescheduled hearing.

Upon agreement by the Board and the property owner, the hearing may be conducted:

- In conjunction with a meeting of the Board
- At a non-public work session of the Board
- At a physical location
- By video conference technology
- Conducted at the property for which the architectural determinations at issue relate.

The Board and the requesting property owner may be represented by legal counsel. Both parties may have other relevant persons attend the hearing, including members of the Architectural Committee, architects, contractors, consultants, and any other person that either party believes would be able to provide information relevant to the appellate review of the architectural determinations concerning the property owner's application.

At the hearing, the Board (or a designated representative) and the requesting property owner (or the property owner's designated representative) shall each be provided the opportunity to discuss, verify facts, and resolve the denial and the changes, if any, requested by the Architectural Committee. A sample script is attached as **Exhibit A-1** to facilitate these discussions. An audio recording of the hearing may be made by the Board or the property owner.

The Board shall have the authority to affirm, modify, or reverse, in whole or in part, any decision of the Architectural Committee concerning the property owner's application. Such a ruling may be conditioned upon the property owner's agreement to modify the proposed construction at issue or agreement to other reasonable terms and conditions.

The Board's ruling shall be in writing and mailed by certified mail, hand-delivered or emailed to the requesting property owner within ten (10) business days from the date of the hearing. There shall be no further appeal or reconsideration of the ruling by the Board.

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**PROCEDURES & GUIDELINES FOR A CHAPTER 209  
ENFORCEMENT HEARING**

To be effective, a request for a Chapter 209 Enforcement Hearing must be in writing and received by the Association within thirty (30) days from the date written notice of a violation, property damage, fine, suspension of rights or intent to notify a credit reporting service is sent to the property owner by verified mail in compliance with Section 209.006 of the Texas Property Code.

The written request for said hearing must be sent to the Association by certified mail at the mailing address of the Association or authorized representative as reflected on the most current management certificate filed by the Association pursuant to Section 209.004 of the Texas Property Code or to the current President as listed on the Association's website. Failure to timely request a Chapter 209 Enforcement Hearing shall waive any right to such a hearing.

The Board shall conduct said hearing within thirty (30) days from the date the Board receives a property owner's timely written request for a hearing. The Board shall also provide the property owner notice of the date, time, and location of the hearing at least ten days prior to the date of said hearing. The notice of the hearing may be mailed, hand delivered, or emailed to the requesting property owner and shall be considered delivered on the day it is hand-delivered, mailed to the requesting property owner at his or her last known mailing address with proper postage, or emailed to the requesting property owner at an email address provided to the Association by such property owner.

The Board or the requesting property owner may request a postponement of the scheduled hearing date one (1) time each, and if requested, a postponement shall be granted for a period of no more than ten (10) days from the date of the previously scheduled hearing date unless otherwise agreed to by the Board and the property owner. Additional postponements may be granted by agreement of the parties.

The Board shall provide the requesting property owner with the date, time, and location of the rescheduled hearing date at least twenty-four (24) hours in advance of the rescheduled hearing date. Notice of a rescheduled hearing date may be given to a property owner by any reasonable manner designed to provide adequate notice of the rescheduled hearing.

The hearing may be conducted in conjunction with a meeting of the Board or at a non-public work session of the Board. If the hearing is conducted at a meeting of the Board, it shall be conducted during an executive session of the meeting unless the requesting property owner and the Board agree to conduct it during an open session of the meeting.

Upon agreement by the Board and the property owner, the hearing may be conducted:

- In conjunction with a meeting of the Board
- At a non-public work session of the Board
- At a physical location
- By video conference technology
- Conducted at the property for which the enforcement relates

## **ADOPTION OF PROCEDURES AND GUIDELINES FOR CONDUCTING HEARINGS PURSUANT TO CHAPTER 209 OF THE TEXAS PROPERTY CODE**

No later than ten (10) days before a hearing is held by the Board, the Board shall provide to the requesting property owner a packet containing all documents, photographs, and communications relating to the matter that the Board intends to introduce. (the "Evidentiary Packet").

The Evidentiary Packet may be mailed, hand-delivered or emailed to the requesting property owner and shall be considered delivered on the day it is hand-delivered, mailed to the requesting property owner at his or her last known mailing address with proper postage or emailed to the requesting property owner at an email address provided to the Association by such property owner.

A letter from the Board to the requesting property owner stating that all documents, photographs, and communications relating to the matter that the Board intends to introduce at the hearing have been produced or that there are no documents, photographs, or communications relating to the matter that the Board intends to introduce at the hearing shall satisfy the Board's obligation concerning the pre-hearing disclosure of the Evidence Packet. If the Board fails to timely provide the Evidentiary Packet to the requesting property owner, the property owner shall be entitled to an automatic fifteen (15) day postponement of the hearing, unless the property owner agrees to waive the Board's obligation concerning the pre-hearing disclosure of the Evidence Packet. A template letter for providing notice of a Chapter 209 Enforcement Hearing and pre-hearing disclosure of the Evidence Packet is attached to these Guidelines as **Exhibit A-2**.

The Board and the requesting property owner may be represented by legal counsel at a hearing. In addition, both parties may have other relevant persons attend the hearing, including members of the Architectural Committee, architects, contractors, consultants, and any other person that either party believes would be in a position to provide information relevant to the subject matter of the hearing.

The purpose of the hearing is to discuss and verify facts and resolve the matters at issue. At the hearing, a member of the Board (or a designated representative of the Association) shall first present the Association's case against the property owner. The property owner (or the property owner's designated representative) may then present the property owner's information and issues relevant to the appeal or dispute.

To conduct such process in an orderly manner, the Board shall use the script attached to these Guidelines as **Exhibit A-3**. An audio recording of the hearing may be made by the Board or the property owner.

The Board's ruling shall be in writing and mailed by certified mail, hand-delivered, or emailed to the requesting property owner within ten business days from the date of the hearing. The Board may, but is not required to, state the basis for its determinations in the written ruling. There shall be no appeal or reconsideration of the ruling by the Board.

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**EXHIBIT A-1**

**OUTLINE FOR CONDUCTING A CHAPTER 209  
ARCHITECTURAL REVIEW HEARING**

Note: A Director or Officer should act as the presiding hearing officer. The hearing officer will provide introductory remarks and administer the hearing agenda.

**INTRODUCTION:**

***Hearing Officer:***

"The Board of \_\_\_\_\_ Directors has convened for the purpose of hearing an appeal by of an architectural determination by the Architectural Committee denying an application or request for the construction or modification of an improvement. The hearing is being conducted as required by Section 209.00505 of the Texas Property Code, and it is an opportunity for the appealing party to discuss, verify facts, and attempt to resolve the matter at issue."

"The Board has the authority to affirm, modify, or reverse, in whole or in part, any decision of the Architectural Committee concerning the application or request for the construction or modification of an improvement that is the subject of hearing. The hearing will be conducted in three phases:

1. First will be the Presentment of Facts
2. Discussion of Issues in Dispute
3. Proposal of Resolutions"

"The Board of Directors would like to resolve the appeal at this hearing. However, the Board of Directors may elect to take the appeal under advisement and conclude the hearing. If the matter is taken under advisement, a final decision will be communicated to the appealing party in writing within ten business days."

**PRESENTATION OF FACTS:**

***Hearing Officer:***

"This portion of the hearing is to permit the appealing party the opportunity to present information related to the application for construction or modification of an improvement that was denied by the Architectural Committee. After which, the Board or a designated representation of the Association may present information concerning the basis for the Architectural Committee's denial of the application or other information related thereto.

Thereafter, the Board may permit the appealing party to present additional information if such information is relevant to issues raised during the presentation by the Board or the Association's representative."

"During the presentations, all parties are expected to be respectful and to not interrupt the party who is making a presentation. The Board members, however, may ask questions during a party's presentation so long as it does not unreasonably disrupt the presentation."

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"Before beginning, the appealing party is requested to introduce any of his or her representatives or witnesses that will be participating in the presentation of facts."

[Conduct Presentations]

**DISCUSSION OF ISSUES IN DISPUTE:**

***Hearing Officer:***

"This portion of the hearing is to permit the Board of Directors and the owner to discuss factual issues or disputes relevant to the application for construction or modification of an improvement that was denied by the Architectural Committee. Discussion should be productive and designed to seek, if possible, an acceptable resolution that permits the appealing party to construct or modify the improvement at issue.

An agreement may be conditioned upon the appealing party modifying the proposed construction or modification plan or the Board imposing other reasonable conditions or concessions that may address or mitigate issues of concern. The Hearing Officer retains the right to conclude this portion of the hearing at any time."

**PROPOSAL OF RESOLUTIONS:**

***Hearing Officer:***

"This portion of the hearing is to permit discussion between the Board of Directors and the appealing party regarding the final terms for the approval of the application to construct or modify an improvement if a resolution was agreed upon during the discussion phase of the hearing."

***If no settlement is agreed upon, the Hearing Officer may:***

1. request that the Board of Directors enter executive session to discuss its ruling on the appeal
2. request that the Board of Directors take the matter under advisement and adjourn the hearing
3. advise the appealing party of the Board of Directors' decision and adjourn the hearing



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**EXHIBIT A-2**

Bedford Estates Homeowners Association, Inc.

Via [mail, hand-delivery, and/or email]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Notice of hearing and pre-hearing disclosure of evidentiary packet concerning violation(s) of the restrictive covenants.

Dear \_\_\_\_\_:

The Bedford Estates Homeowners Association, Inc. is in receipt of your request for a hearing with the Board concerning the restrictive covenant violation(s) related to the Property at

\_\_\_\_\_

The hearing on the Enforcement Matter will be conducted on (MONTH, DAY YEAR) at [by Zoom video conference at the following link] or LOCATION \_\_\_\_\_

If you cannot attend the scheduled hearing, you are entitled to one postponement. Please notify the Association of your request for a postponement and the hearing will be rescheduled for a new date within ten (10) days from the original scheduled date and an email address that may be used to notify you of the new hearing date. You can request a postponement by sending an email to the following email address: \_\_\_\_\_

Enclosed with this notice is a packet containing all the documents, photographs, and/or communications relating to the Enforcement Matter that the Association intends to introduce at the hearing. The Association does not intend to introduce any documents, photographs, or communications at the hearing.

Sincerely,

**ADOPTION OF PROCEDURES AND GUIDELINES FOR  
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**EXHIBIT A-3**

**OUTLINE FOR CONDUCTING A CHAPTER 209  
ENFORCEMENT HEARING**

Note: A Director or Officer should act as the presiding hearing officer. The hearing officer will provide introductory remarks and administer the hearing agenda.

**INTRODUCTION**

***Hearing Officer:***

"The Board of Directors has convened for the purpose of hearing an appeal by \_\_\_\_\_ from a determination by the Association that such owner is in violation of the restrictive covenants applicable to his or her property and/or the guidelines or rules of the Association (or from the imposition of fines by the Association for violation of the restrictive covenants applicable to his or her property and/or the guidelines or rules of the Homeowners Association).

The hearing is being conducted as required by Section 209.007 of the Texas Property Code, and it is an opportunity for the appealing party to discuss, verify facts, and attempt to resolve the matter at issue. The Board of Directors would like to resolve the dispute at this hearing. However, the Board of Directors may elect to take the appeal under advisement and conclude the hearing. If the matter is taken under advisement, a final decision will be communicated to the appealing party in writing within fifteen (15) days."

**PRESENTATION OF FACTS:**

***Hearing Officer:***

"This portion of the hearing is to permit a representative of the Homeowners Association the opportunity to describe the violation and to present photographs or other material relevant to the violation. After the Homeowners Association's representative has finished his or her presentation, the owner or his or her representative will be given the opportunity to present photographs or other material relevant to the violation.

The Board of Directors may ask questions during either party's presentation. It is requested that questions by the appealing party be held until completion of the presentation by the Homeowners Association's representative."

[Conduct Presentations]

**DISCUSSION OF ISSUES IN DISPUTE:**

***Hearing Officer:***

"This portion of the hearing is to permit the Board of Directors and the owner to discuss factual disputes relevant to the violation. Discussion should be productive and designed to seek, if possible, an acceptable resolution of the

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dispute. The Hearing Officer retains the right to conclude this portion of the hearing at any time."

**PROPOSAL OF RESOLUTIONS:**

***Hearing Officer:***

"This portion of the hearing is to permit discussion between the Board of Directors and the appealing party regarding the final terms of the settlement if a resolution was agreed upon during the discussion phase of the hearing."

If no settlement is agreed upon, the Hearing Officer may:

1. request that the Board of Directors enter into executive session to discuss the matter
2. request that the Board of Directors take the matter under advisement and adjourn the hearing
3. advise the appealing party of the Board of Directors' decision and adjourn the hearing

**STATE OF TEXAS**

**COUNTY OF TARRANT**

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and duly RECORDED in the Official Records of the Real Property of Tarrant County, Texas



D222095441  
RESOLUTION  
Pages: 11  
Fees: \$59.00

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS OF  
TARRANT COUNTY, TEXAS  
04/13/2022 10:37 AM

  
MARY LOUISE NICHOLSON  
COUNTY CLERK