

SECURITY MEASURES POLICY
for
PRESTONWOOD FOREST MAINTENANCE ASSOCIATION

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, Christine M. Collins, Secretary of Prestonwood Forest Maintenance

Association, do hereby certify that in the open session of a properly noticed meeting of the Board of Directors of the Association, duly called and held on the 16th day of September, 2021, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Security Measures Policy was duly approved by at least a majority vote of the members of the Board present at the meeting.

RECITALS

1. The Board of Directors ("Board") of the Prestonwood Forest Maintenance Association ("Association") has determined that, in order to provide guidance regarding security measures authorized by Texas Property Code Section 202.023, it is appropriate for the Association to adopt a Security Measures Policy ("Policy") for the residential properties under the jurisdiction of the Association.

2. The property encumbered by this Security Measures Policy is that property restricted by the Amended Declaration of Restrictions ("Declaration") recorded in the Official Public Records of Real Property of Harris County, Texas under Clerk's File No. F089688, as same has been or may be amended and/or supplemented from time to time, and any other property which has been or may be annexed thereto and made subject to the authority of the Association.

3. Any reference made herein to approval by the Architectural Control Committee ("Committee") means prior written approval by the Association's architectural review authority as contemplated by Texas Property Code Section 209.0505(a).

4. "Lot" as used in this Policy shall mean any residential lot depicted on the plat map of any subdivision under the jurisdiction of the Association.

5. "Owner" as used in this Policy shall mean the record owner(s) of any Lot under the jurisdiction of the Association.

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6. "Common Area" as used in this Policy shall mean any property owned or maintained by the Association for the benefit of the Owners.

7. Texas Property Code Section 204.010(a)(6) provides that a property owners' association, acting through its Board may regulate "the use, maintenance, repair, replacement, modification and appearance of the subdivision."

8. This Policy replaces and supersedes any previously recorded or implemented policy that addresses the subjects contained herein, if any, adopted by the Association.

SECURITY MEASURES POLICY

1. **Committee Application Required.** Before any security measure contemplated by Section 202.023 of the Texas Property Code ("Code") is constructed or otherwise erected or installed on a Lot, an application must be submitted to the Association and approved in writing by the Committee. The following information must be included with the application:

- a. Type of security measure;
- b. Location of proposed security measure;
- c. General purpose of proposed security measure; and
- d. Proposed construction plans and/or site plan.

Owners are encouraged to be aware of the following issues when seeking approval for and installing a security measure:

- a. The location of property lines for the Lot. Each Owner should consider obtaining a survey before installing a security measure;
- b. Easements in the area in which the security measure is to be installed;
- c. Underground utilities in the area in which the security measure is to be installed.

The Association and/or the Committee is not obligated to and will not review an Owner's security measure application for the above-referenced issues. Owners should be aware that a security measure may have to be removed if a person or entity with superior rights to the location of a security measure objects to the placement of the security measure.

2. **Type of Security Measure Fencing.** The Code authorizes the Association to regulate the type of security measure fencing that an Owner may install on a Lot.

- a. Security measure fencing must be located on the perimeter of a Lot (i.e., the perimeter property lines of the Lot), however, it is prohibited for security measure fencing to: (i) be installed across sidewalks; and/or; (ii) to enclose sidewalks. If a sidewalk is located within the perimeter of a Lot, the security measure fencing must be located on the residence side of the sidewalk. Fencing that is not located on the perimeter of a Lot is not security measure fencing and must comply with the terms and provisions of the Declaration and all other applicable Association governing documents.
- b. The following types of security measure fencing are approvable:

- (i) All security measure fencing (including gates) forward of the front exterior wall of the residential structure or garage on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat map shall be metal fencing (either steel, wrought iron, or aluminum) measuring no more than six feet (6') in height. The Committee shall have the discretion to approve any other type of metal security measure fencing, however, the follow types of metal fencing are prohibited and will not be approved: (1) stamped metal fencing (including gates); (2) metal panel fencing (including gates); and (3) solid metal fencing (including gates). It is the intent of this Policy that all security measure fencing and gates located forward of the front exterior wall of the residential structure or garage on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat have the appearance of what is commonly called "wrought iron fencing."
- (ii) All security measure fencing on a Lot in a location other than forward of the front exterior wall of the residential structure or garage on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat shall be wood fencing or such other material(s) authorized by the Declaration and approved at the discretion of the Committee (subject to an appeal to the Board of Directors in the event of a Committee denial).
- (iii) The fence and the gate of all metal security measure fencing located forward of the front exterior wall of the residential structure or garage on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat must be made of the same materials.
- (iv) Security measure fencing located forward of the front exterior wall of the residential structure or garage on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat shall consist of straight horizontal metal rails and straight vertical metal pickets and/or posts. All security measure fencing framing shall be on the inside (i.e., the residence side) of the security measure fencing.
- (v) Decorative elements and embellishments (whether part of the fence construction or are add-on decorative elements/embellishments) of any type are prohibited on security measure fencing (including gates). This prohibition includes, but is not limited to, prohibiting finials (of any shape or design), fleur de lis, points, spears (of any shape or design), and gate toppers of any type. Stamped metal security measure fencing (including gates) is prohibited. Metal panel fencing is prohibited.
- (vi) The color of all security measure fencing (including gates) located forward of the front exterior wall of the residential structure or garage

on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat shall be black.

- (vii) Metal Security measure fencing pickets shall be 3/4", 4" on center with 1-1/4" top and bottom rails. The Committee may, in its discretion (subject to an appeal to the Board of Directors in the event of a Committee denial), approve variances from this requirement.
- (viii) Any driveway or pedestrian gates on security measure fencing located forward of the front exterior wall of the residential structure or garage on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat must slide open or open inward and related fence motors/equipment must be kept screened from view with evergreen shrubs or in such other manner approved in writing by the Committee.
- (ix) When metal security measure fencing meets a wood fence, the security measure fencing may not be attached to the wood fence. The security measure fencing shall be terminated with a three-inch (3") metal post (either steel, wrought iron, or aluminum) adjacent to the wood post/wood fencing.
- (x) Chain link, brick, concrete, barbed wire, razor wire, vinyl, brick, electric fences, poured fences, and stone security measure fencing in any location on a Lot is expressly prohibited and will not be approved by the Committee. Notwithstanding any language to the contrary in this Policy, masonry perimeter fencing may, unless otherwise provided by the Declaration, be approved if located on a Lot in a location other than forward of the front exterior wall of the residential structure or garage on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat at the discretion of the Committee (subject to an appeal to the Board of Directors in the event of a Committee denial). Security measure fencing made of dirt mounds and/or berms is prohibited.
- (xi) No vines or vegetation shall be allowed to grow on security measure fencing forward of the front exterior wall of the residential structure or garage on a Lot or forward of the applicable building setback line on a Lot as shown on the applicable plat. All security measure fencing must be installed per the manufacturer's specifications and all electric gates must be installed by a licensed electrician in accordance with all applicable codes and applicable governmental regulations.
- (xii) Placement of security measure fencing and/or security measures of any type must comply with city, county, and/or state ordinances and regulations, if any.
- (xiii) All security measure fencing must be maintained in a neat and attractive appearance as required by this Policy and/or the

Declaration. This includes, but is not limited to: (1) repair or replacement of fence pickets and posts when necessary (including bent or damaged metal fencing); (2) painting all metal security measure fencing when necessary; and (3), repair, replacement, or removal of security measure fencing that has been damaged by wind, flood, fire, accident, or any other cause.

- c. If the proposed security measure fencing is located on one or more shared Lot lines with adjacent Lot(s) (collectively the "Affected Lots"), all Owners of record of the Affected Lots must sign the application evidencing their consent to the security measure fencing before the requesting Owner ("Requesting Owner") submits the application to the Committee. In the event that the Affected Lot Owner(s) refuse to sign the application as required by this section, the Association shall have no obligation to participate in the resolution of any resulting dispute in accordance with this Policy.

3. **Burglar Bars, Security Screens, and Front Door Entryway Enclosures.** The color of all burglar bars, security screens, and front door entryway enclosure shall be black. Notwithstanding the foregoing, the Committee shall have the discretion to approve another color for burglar bars, security screens and front door entry enclosure if, in the discretion of the Committee (subject to an appeal to the Board of Directors in the event of a Committee denial), the proposed color of the burglar bars, security screens, and front door entryway enclosures complements the exterior color of the dwelling. All burglar bars and front door entry enclosures must be comprised of straight horizontal cross-rails and straight vertical pickets. Decorative elements and embellishments (whether part of the original construction of the burglar bar or security screen or are add-on decorative elements/embellishments) of any type are prohibited on burglar bars, security screens, and front door entryway enclosures.

4. **Location.** A security measure may be installed only on an Owner's Lot, and may not be located on, nor encroach on, another Lot, street right-of-way, Association Common Area, or any other property owned or maintained by the Association. No security measure fencing shall be installed in any manner that would prevent someone from accessing property that they have a right to use/access.

5. If any term or provision of this Policy is found to violate any law, then this Policy will be interpreted to be as restrictive as possible to preserve as much of the intent of this Policy as allowed by law.

6. **Disputes; Disclaimer; Indemnity.** Security measures, including but not limited to, security cameras and security lights, should, to the extent possible, not be installed in a manner that the security measure is aimed/directed at an adjacent property that results in an invasion of privacy or cause a nuisance to a neighboring Owner or resident. In the event of a dispute between Owners and/or residents regarding security measure fencing, or a dispute between Owners and/or residents regarding the aim or direction of a security camera or security light: (a) the Association shall have no obligation to participate in the resolution of the dispute; and, (b) the dispute shall be resolved solely by and between the affected Owners and/or residents.

Each Owner and occupant of a Lot within the Property acknowledges and understands that

the Association, including its directors, officers, managers, agents, employees and the Committee, are not insurers and that each Owner and occupant of any dwelling and/or Lot that has a security measure contemplated by Texas Property Code Section 202.023 that has been or will be installed pursuant to this Policy assumes all risks for loss or damage to persons, to dwellings and improvements and to the contents of dwellings and improvements, and further acknowledges that the Association, including its directors, officers, managers, agents, employees and the Committee have made no representations or warranties nor has any owner or occupant relied upon any representations or warranties, expressed or implied, including any warranty of merchantability or fitness for any particular purpose, relative to any security measure that may be approved by the Association and/or Committee pursuant to this Policy.

OWNERS OF LOTS WITHIN THE PROPERTY HEREBY AGREE TO INDEMNIFY, PROTECT, HOLD HARMLESS, AND DEFEND (ON DEMAND) THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES AND COMMITTEE MEMBERS COMPRISING THE COMMITTEE (COLLECTIVELY REFERRED TO AS THE "INDEMNIFIED PARTIES") FROM AND AGAINST ALL CLAIMS (INCLUDING WITHOUT LIMITATION CLAIMS BROUGHT BY AN OWNER OR OCCUPANT) IF SUCH CLAIMS ARISE OUT OF OR RELATE TO A SECURITY MEASURE GOVERNED BY THIS POLICY. THIS COVENANT TO INDEMNIFY, HOLD HARMLESS, AND DEFEND INCLUDES (WITHOUT LIMITATION) CLAIMS CAUSED, OR ALLEGED TO BE CAUSED, IN WHOLE OR IN PART BY THE INDEMNIFIED PARTIES' OWN NEGLIGENCE, REGARDLESS OF WHETHER SUCH NEGLIGENCE IS THE SOLE, JOINT, COMPARATIVE OR CONTRIBUTORY CAUSE OF ANY CLAIM.

Any installation not in compliance with this Policy will be considered a violation of the dedicatory instruments governing the Property.

I hereby certify that I am the duly elected, qualified and acting Secretary of the Association and that the foregoing Security Measures Policy was approved by not less than a majority vote of the Board as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.

PRESTONWOOD FOREST MAINTENANCE ASSOCIATION

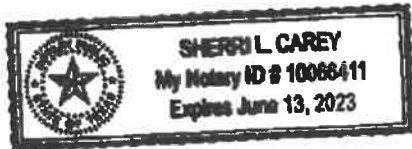
By: Christine M. Collins

Printed: Christine M. Collins
Its: Secretary

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THE STATE OF TEXAS §
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COUNTY OF HARRIS §

BEFORE ME, the undersigned notary public, on this 16th day of September,
2021, personally appeared Christine M. Collins, as Secretary
of Prestonwood Forest Maintenance Association, known to me to be the person whose name is
subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same
for the purpose and in the capacity therein expressed.



Sherril Carey

Notary Public in and for the State of Texas

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