

## RESOLUTION OF THE BOARD OF DIRECTORS of OFHA, INC.

**WHEREAS** the Oak Forest Subdivision is comprised of eighteen (18) Sections which were successively developed between 1946 and 1955, each section having a wholly separate set of deed restrictions that were drafted and recorded at the time of each section's development; and

**WHEREAS** the deed restrictions for Sections 1 through 7 of the Oak Forest Subdivision, which were executed between November 1946 and April 1949, contain substantially identical versions of the following provision, varying only as to formatting:

### RACIAL RESTRICTIONS

**None of the lots shown on the said plat shall be conveyed, leased, given to, or placed in the care of, and no building erected thereon shall be used, owned or occupied by any person other than of the Caucasian Race. This prohibition, however, is not intended to include the occupancy or use by persons other than the Caucasian Race while employed as servants on the premises.**

(hereinafter, the "Racial Restrictions"). True and correct copies of the recorded deed restrictions for Sections 1 through 7 of the Oak Forest Subdivision are attached hereto and incorporated by reference as Exhibits "A" through "G," respectively; and

**WHEREAS** none of the deed restrictions for Sections 8 through 18, which were successively executed between April 1950 and April 1955 contain either the above Racial Restrictions or any other language of a discriminatory nature; and

**WHEREAS** OFHA, Inc. has been advised by counsel that the Racial Restrictions have been unenforceable since 1948, when the United States Supreme Court decided Shelley v. Kraemer, 334 U.S. 1, 68 S. Ct. 836, 92 L. Ed. 1161 (1948); and

**WHEREAS** OFHA, Inc. has been further advised by counsel that, effective January 1, 1984, the State of Texas enacted Tex. Prop. Code § 5.026, which reads as follows:

- (a) If a restriction that affects real property, or a provision in a deed that conveys real property or an interest in real property, whether express or incorporated by reference, prohibits the use by or the sale, lease, or transfer to a person because of race, color, religion, or national origin, the provision or restriction is void.
- (b) A court shall dismiss a suit or part of a suit to enforce a provision that is void under this section.

*See* Tex. Prop. Code Ann. § 5.026 (West); and

**WHEREAS** OFHA, Inc. does not enforce, and has no record of having ever enforced or attempted to enforce, the foregoing Racial Restrictions; and

**WHEREAS** OFHA, Inc. has been further advised by counsel that neither the dedicatory instruments of the Oak Forest Subdivision, nor the Articles of Incorporation or By-Laws of OFHA, Inc., nor applicable legal authority, vest this organization with the authority to amend or modify the deed restrictions of any section of the Oak Forest Subdivision, including, but not limited to, the Racial Restrictions referenced herein above; and

**WHEREAS** we, the Officers and Directors of OFHA, Inc., nonetheless hold the foregoing Racial Restrictions to be vile, repugnant and not in keeping with the values and mores of the Oak Forest Subdivision and the surrounding community, and wish to make their sentiments and intentions known,


**IT IS THEREFORE RESOLVED** that OFHA, Inc. shall not at any time or in any manner either enforce or participate in or otherwise facilitate any effort to enforce the Racial Restrictions.

**IT IS FURTHER RESOLVED** that OFHA, Inc. shall cause a copy of this Resolution to be recorded in the Real Property records of the Office of the County Clerk of Harris County, Texas.

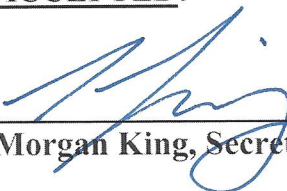
**IT IS FURTHER RESOLVED** that OFHA, Inc. shall maintain a copy of this Resolution in its records and shall, upon request, provide a copy thereof to any person who may so inquire.

A meeting of the Board of Directors was held on JULY 24<sup>TH</sup>, 2020, at which a quorum was determined to be present, and the foregoing Resolution having been approved by a majority of the Directors present, the Resolution is hereby **APPROVED**.

**APPROVED:**

  
Elizabeth Villarreal, President

**ACCEPTED:**

  
Morgan King, Secretary

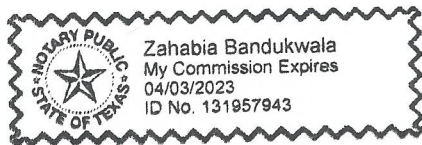
I hereby certify that the above and foregoing is a true copy of a Resolution by the Directors of OFHA, INC., domiciled in HARRIS County, Texas, passed at a meeting of said Directors, duly and legally called in accordance with and pursuant to the Articles of Incorporation, Articles of Organization or Certificate of Formation, Regulations, Operating Agreement and/or Company Agreement of said company, held at a meeting of said Directors on the 24<sup>th</sup> day of JULY 2020, a quorum thereof being present and a majority of the Directors present voting for the adoption of said Resolution and that said Resolution is in full force and effect as of the date of this certification.


OFHA, INC.

  
**ELIZABETH VILLARREAL, President**

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS         §

► This instrument was acknowledged before me this 27<sup>th</sup> day of July 2020, by **ELIZABETH VILLARREAL, PRESIDENT of OFHA, INC.**, in the capacity therein stated and on behalf of said company.



  
**NOTARY PUBLIC, STATE OF TEXAS**