

**DEED RESTRICTION POLICY
OF
OFHA, INC.**

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ARTICLE I. PREAMBLE

The officers and directors of OFHA, Inc. ("OFHA"), in order to formalize and delineate the operating policies and procedures of the Deed Restriction Committee ("DRC") under Article X, Section 1(C) of the 2017 Amended and Restated By-Laws of OFHA, Inc. ("By-Laws"), do hereby enact this Policy in order to establish and set forth the policies and procedures that shall govern the day-to-day operations of the DRC, including, but not limited to, its review of alleged violations of the deed restrictions of the Oak Forest community and any action(s) taken in regard thereto.

Notwithstanding the foregoing, nothing herein shall permit, be construed to permit, or otherwise authorize or indicate an intent on the part of OFHA to enforce or otherwise give effect to, any provision of any deed or instrument, whether express or incorporated by reference, that is void or unenforceable under any provision of the Texas Property Code, other statutory law of the State of Texas or of the United States of America, or under either the constitution of the State of Texas or the Constitution of the United States of America.

ARTICLE II. DEFINITIONS & CONSTRUCTION.

(A) **Construction.** This Policy is intended to supplement the foundational governing documents of OFHA, i.e., the Articles of Incorporation of OFHA (the "Articles") and By-Laws, and to establish governing principles for those procedures that

may be put in place to manage the day-to-day operations of the DRC. To that end, each and every provision of this Policy should be so construed as to harmonize its effect with the intent of any applicable provision(s) of the Articles and/or By-Laws. To the extent that any provision of this Policy may be deemed to irreconcilably conflict with any applicable provision(s) of either the Articles and/or the By-Laws, said provision(s) of the Articles and/or the By-Laws shall control. To the extent that any provision of any procedure or set of procedures created under the authority granted herein to the First Vice President and others shall be deemed to be in conflict with any applicable provision(s) of this Policy, this Policy shall control.

(B) Definitions.

- i. Board. The Board of Directors of OFHA, as defined in Article VI of the By-Laws.
- ii. Members. Persons holding “Owner Membership,” as defined in Article IV, Section 1(A) of the By-Laws.
- iii. Subdivision. The subdivision situated in Harris County, Texas identified in various dedicatory instruments, map(s) and/or plat(s) filed of record in the Real Property Records of the County Clerk of Harris County, Texas, as the Oak Forest Subdivision, including sections 1 through 18 thereof.
- iv. Deed Restrictions. Jointly and singly, the various dedicatory instruments containing such restrictions for the Subdivision, in whole or in part, together with any and all amendments thereto, on file in the Real Property Records of the County Clerk of Harris County, Texas. Copies of the Deed Restrictions may be found, delineated by section of the Subdivision, on OFHA’s website at <https://www.ofha.org/deed-restrictions.html>.

ARTICLE III. DEED RESTRICTION COMMITTEE.

(A) Composition. In accordance with Article X, Section 1(C) of the By-Laws, the DRC shall be composed of at least three (3), but no more than six (6), Members. The First Vice President shall be the ex-officio Chair of the DRC and shall preside at meetings of the DRC. In the event of the absence or incapacity of the First Vice Chair, the DRC shall vote to appoint a temporary chair to preside at any meetings and perform any and all other duties, functions or responsibilities of the First Vice President under this Policy occurring during the period of such absence or incapacity.

(B) Role. The DRC serves as a liaison between its Members and builders and property owners with respect to the application and interpretation of the Deed Restrictions. It does not, however, have any independent enforcement powers of its own and cannot compel conduct by any person or entity. In its liaison role, the DRC provides a service to its Members for determining whether an existing or proposed improvement is in violation of one or more of the Deed Restrictions, advising the builder or owner of its findings, and referring the matter to the appropriate government authority for further action. Subject to the foregoing, the DRC shall perform those functions and duties that are set forth within Article X, Section 1(C) of the By-Laws.

(C) **Powers.**

- i. Plan Review and Approval. The DRC shall be empowered to review any plans submitted to OFHA by builders or property owners within the Oak Forest Subdivision regarding new construction or the renovation of existing improvements, for the purpose of making a determination as to the compliance of such plans with applicable Deed Restrictions.
- ii. Investigation of Reported Violations. The DRC shall be responsible for investigating and researching any violations of Deed Restrictions reported to OFHA, for the purpose of making a determination as to the merits of such reports.
- iii. Referral for Enforcement Action. Neither the DRC nor OFHA itself is an enforcement body, and they lack the authority to independently bring an enforcement action. The DRC shall act as a liaison and investigative body only, referring matters that have been identified as violations of Deed Restrictions to the appropriate governmental authority, which authority shall then be solely responsible for determining the appropriate action or actions, if any, to be taken.

(D) **Meetings.** The DRC shall meet no less than once per quarter during OFHA’s Fiscal Year, as defined in Article IV, Section (A) of the Fiscal Policy of OFHA, Inc. (the “Fiscal Policy”), save and except that it may meet more frequently and at other times, as needed, at the discretion of the First Vice President. All meetings of the DRC shall be public, save and except that, where necessary, the DRC may meet in closed executive session for matters related to obtaining advice of legal counsel. All meetings shall be noticed in accordance with the procedures used for noticing public meetings and closed executive sessions of the Board as set forth in the By-Laws. Minutes shall be kept of each public meeting (but not of closed sessions), which shall include a brief description of each matter before the DRC during the meeting, the votes taken, and any action(s) decided upon. Meetings may be held virtually by telephone or videoconference or by other means by which the identity of any participants not physically present may be reasonably confirmed.

(E) **Quorum; Voting.** A simple majority of the then-current membership of the DRC shall constitute a quorum for purposes of any action taken pursuant to this Policy. A simple majority of the members of the DRC present at any meeting thereof shall be sufficient for the approval of any action. Members attending virtually shall be counted for purposes of reaching a quorum, as well as for voting.

ARTICLE IV. DEED RESTRICTION REVIEW PROCESS

(A) **NEW CONSTRUCTION/RENOVATIONS - PLAN SUBMISSION.** Prior to commencing work, builders and property owners shall be encouraged to submit plans, architectural drawings and elevations relating to any proposed new construction and/or renovation of improvements within the Subdivision to the DRC at planreview@ofha.org for a determination as to the compliance thereof with applicable Deed Restrictions. The documents must include an identification of the physical location of the property, including the mailing address and the section of the Subdivision in which it is located. The First Vice President shall review the submitted documents for completeness. In the event that

submitted documentation is determined to be incomplete, the submitting party or parties shall be notified of such and asked to provide any missing documentation or information prior to any further action being taken by the DRC.

(B) EXISTING IMPROVEMENTS – MEMBER REPORTED VIOLATIONS. Members may report existing structures within the Subdivision that are believed to be in violation of Deed Restrictions by contacting the DRC at planreview@ofha.org. The Member’s report must be in writing, and must contain the following information:

- i. The Member’s full name, mailing address, phone number, e-mail address and preferred contact method;
- ii. The address of the property at which the alleged violating structure is located;
- iii. To the extent known, the full name, mailing address, phone number and e-mail address of the owner(s) of the property at which the alleged violating structure is located; and
- iv. A summary of the nature of the violation, including a detailed description of the alleged violating structure and how the Member believes that it violates the Deed Restrictions.

The First Vice President shall review the report for completeness. In the event that a report submitted under this paragraph is found to be incomplete, the Member will be notified of such and asked to provide any missing information before any further action may be taken by the DRC.

(C) REVIEW; INVESTIGATION. For a submission under paragraph (A) or (B) above, the DRC shall commence the following process:

- i. Upon receipt of the submission, two (2) or more members of the DRC shall be appointed by the First Vice President (who may serve as one of the appointees) to oversee the review/investigation (hereinafter, the “Investigators”);
- ii. The Investigators shall make an initial determination as to whether the property in question is located in the Subdivision and, if so, which section of the Subdivision it is located within;
- iii. As to any submission under paragraph (A) of this Article IV, the Investigators shall review the proposed improvements, identify the applicable Deed Restrictions for that section of the Subdivision, and make an initial determination as to the compliance of the proposed improvements with the same;
- iv. As to any submission under paragraph (B) of this Article IV, the Investigators shall conduct a reasonable inquiry, including, when permitted to do so by the owner of the property in question, obtaining an onsite visual inspection of the alleged violating structure, taking photos and appropriate measurements

where possible, and shall make an initial determination as to whether the structure is in violation of the Deed Restrictions;

- v. The Investigators may satisfy their obligation under subparagraph (C)(iv.) above by using or referring the matter to an appropriate third party, including City of Houston personnel, to conduct any onsite inspection of the alleged violating structure;
- vi. On or before the elapse of fifteen (15) days after their appointment under subparagraph (C)(i) above, the Investigators shall submit a report to the First Vice President detailing their findings and the basis for the same, save and except that this timeframe may be extended where it is not feasible to provide findings within the specified period of time.

(D) MEETING; DETERMINATION. Upon the submission of the Investigators' report under subparagraph (C)(v) above, the matter shall be placed on the agenda of the DRC at its next meeting, subject to all applicable notice requirements. A special meeting may be called if the matter is of particular urgency. At the meeting, the DRC shall, after reasonable time for discussion, conduct a vote to determine whether a violation of the Deed Restrictions is found or not, and, if so, what further action is to be taken. The minutes of the meeting shall include a copy of the Investigators' report, a record of the vote, and a description of the findings of the DRC and any actions to be taken. In the event that the DRC wishes to consult with outside counsel, it may do so, but must first obtain budgetary authority where and in the manner required by the Fiscal Policy, and any such consultations with counsel should be conducted in closed executive session or, in the absence of a quorum, in such other circumstances as will be reasonably calculated to preserve the confidentiality of the consultation and any applicable privileges.

(E) COMPLIANCE LETTER; NOTICE OF VIOLATION. In the event that an existing or proposed structure for which a submission was made under paragraph (A) or (B) of this Article is found by the DRC to be compliant with applicable Deed Restrictions, the First Vice President shall, within seven (7) days of the meeting under paragraph (D) above, send a written approval communication to the submitting party or parties stating that finding. This communication may be sent electronically.

In the event that an existing or proposed structure for which a submission was made under paragraph (A) or (B) of this Article is found by the DRC to be in violation of one or more Deed Restrictions, the First Vice President shall, within seven (7) days of the meeting under paragraph (D) above, send a written notice of violation to the builder or owner of the violating property (the "Violator"), which shall include the following:

- i. A brief but reasonably complete description of the violation, including the identification of the particular provisions of the Deed Restrictions violated; and
- ii. A reference to this Policy informing the Violator of their right to appeal the DRC's determination under paragraph (F) below.

A notice of violation sent under this paragraph shall be either hand delivered or sent via the United States Certified Mail, return receipt requested, or by other means, including

electronic, that allows for the tracking and confirmation of the physical delivery of the same, or that otherwise provides proof establishing receipt by the addressee. For the purpose of calculating any applicable timeframes, service of a notice of violation under this paragraph shall be complete when transmitted in the manner provided in the preceding sentence, regardless of when received by the Violator.

(F) **APPEAL.** On or before the thirtieth (30th) day after the service of a notice of violation under paragraph (E) above, the Violator may appeal the determination of the DRC to the Board by serving written notice of the recipient's intent to appeal on the First Vice President with a copy to the President. The notice of appeal must include the following:

- i. A brief summary of why the Violator believes that the DRC's finding was in error; and
- ii. True and correct, unredacted copies of any documents that the Violator wants the Board to consider for purposes of the appeal.

Service of the notice of appeal shall be complete only upon actual receipt, and the Violator's right to appeal shall expire if not exercised timely. An incomplete notice of appeal shall be considered untimely. Upon timely service of a notice of appeal under this paragraph, the matter shall, subject to applicable notice requirements, be set by the President on the agenda of the Board at its next meeting, at which the Violator shall be given a reasonable opportunity to present their case; however, any documents not included with the notice of appeal shall not be considered, and the length of time for presentation shall be at the discretion of the First Vice President. Upon conclusion of any presentation by the Violator, the Board shall vote to either grant or deny the appeal in accordance with the voting procedures of the Board under the By-Laws. The minutes of any meeting of the Board held under this paragraph shall, in addition to the requirements of such under the By-Laws, record the names of any and all persons present, whether physically or virtually, including both Members and otherwise.

If the Board grants the appeal, the matter will be referred back to the DRC for further investigation and determination, in accordance with the provisions of paragraphs (D) and (E) of this Article.

(G) **REFERRAL.** If no appeal is filed by the thirtieth (30th) day after the service of a notice of violation under paragraph (E) above, or upon the denial of such appeal under paragraph (F) hereof, the matter shall be referred by the DRC to the appropriate government agency, which will usually be the City of Houston. Once the matter has been thus referred, the DRC will continue to monitor, but will take no further action unless requested to do so by the agency to which the matter has been referred, and all decisions regarding enforcement will be within the sole discretion of the government agency.

ARTICLE V. RECORDS MANAGEMENT & REPORTING

(A) **RECORDS.** It shall be the primary responsibility of the First Vice President to keep the records of the DRC, including, but not limited to, the minutes of any and all meetings thereof and any reports by this Policy, though the First Vice President may delegate such responsibility in writing to another member of the DRC, who shall thereafter have such responsibility until such time as either such delegation is withdrawn by the First

Vice President or the said member's term in office expires, whichever is earlier. Any and all records must be kept in a manner reasonably calculated to preserve them and make them available for inspection by Members upon reasonable notice. The records may be kept in either physical or electronic format, provided that the other requirements of this paragraph are satisfied.

(B) **REPORTING.** No less than once per quarter during the Fiscal Year of OFHA, as defined in Article IV, Section (A) of the Fiscal Policy, the First Vice President shall submit a report concerning the activities of the DRC during the preceding three (3) months to the Board, which report shall contain the following:

- i. A listing of the matters considered by the DRC under this policy, including (a) the addresses of the properties in question; (b) in the case of a reported violation under Article IV(B) above, a brief summary of the issue ; and (c) the action taken by the DRC; and
- ii. A listing of the parties for each matter, including their names and mailing addresses (if different from the applicable property addresses)

ARTICLE VI. COMMUNICATIONS

Because of the sensitivity of the matters governed by this Policy and undertaken by the DRC, any and all communications with persons outside the DRC or the Board regarding matters governed by this Policy shall come only from either the President or the First Vice President. Other members of either body contacted by Members or other persons in the community regarding matters governed by this Policy, shall refer those persons to the President or First Vice President without further comment. Notwithstanding the foregoing, persons making inquiry as to the Deed Restrictions may be directed, but without further comment, to the copies thereof posted on OFHA's website at <https://www.ofha.org/deed-restrictions.html>.

Regardless of their personal experience, education or expertise, no member of either the Board or the DRC shall at any time make or offer any comment, opinion or statement regarding any matter governed by this Policy, save and except to other members of either the Board or the DRC while meeting in closed executive session, where such comment, opinion or statement is or could reasonably be construed as an opinion or conclusion of law.

Notwithstanding the foregoing paragraphs of this Article, nothing herein shall be construed to prevent any member of the Board or the DRC from taking any action required by law.

ARTICLE VII. SUBMISSION AND APPROVAL OF POLICY

This Policy was submitted to the Board of Directors of OFHA for review and approval on April 6, 2021. This Policy was approved by the Board, a quorum of the voting Directors being present and participating, on May 4, 2021.