

STONEBRIDGE RANCH COMMUNITY ASSOCIATION, INC.

APPEALS PROCESS POLICY

Revision 0

09/23/21

I. PURPOSE

Owners in the Stonebridge Ranch Community Association, Inc. ("Association") have the right to appeal Association decisions related to architectural design, modifications, violations, fines, and related matters. The Association Board of Directors (the "Board") is providing this Appeals Process Policy (the "Appeal Policy") for the express purpose of communicating the process for considering timely owner requests for appeal from the Modifications Committee ("MC"), decisions concerning improvements and timely final appeals to the Board concerning violations and imposition of fines related to enforcement of the Governing Documents (hereinafter "Appeal(s)").

II. REFERENCES

- 1) Texas Property Code, Chapter 209, Section 209.00505 (Architectural Review Authority) and 209.007 (Hearing before Board).
- 2) Sixth Amended and Restated Bylaws of Stonebridge Ranch Community Association, Inc., Article VI, Section 6.1((O); and any applicable enforcement and fining polices, all as amended and supplemented from time to time (together the "Governing Documents")).
- 3) Master Design Guidelines and Design Guidelines and Review Procedures for Residential Modifications (together the "Design Guidelines").
- 4) Second Amendment and Restated Master Declaration of CCR's for Stonebridge Ranch (the "Declaration"), Articles VIII and X.

III. ORGANIZATION

Structure - There are two levels at which the following designated homeowner matters can be reviewed for approval or denial:

- 1) Hearing: Architecture and Modification Requests -- The MC, upon homeowner submitted request, will conduct a hearing to review an Owner request and will render decision related to a modification application or architectural design. The MC can approve or deny the homeowner request in accordance with the Design Guidelines and CC&R's. A written notice of the denial will be provided to the owner by certified mail, hand delivery, or electronic delivery. The notice will: (1) describe the basis for the denial in reasonable detail and changes, if any, to the application or improvements required as a condition to approval; and (2) inform the Owner that the Owner may request a hearing before the 30th day after the date the notice was mailed to the Owner.

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- 2) Appeal: Architecture/Modifications Denials, Violations, Fines, Holds Beyond Compliance Staff Granted 30 Day Holds.
 - a. The Board will hear Owner appeals on matters designated herein, then recommend resolution, approval, or denial. The appeal decision is final as to the following matters:
 - i. Architecture/Modifications MC applications or architectural changes that have been denied at the MC appeals hearing level;
 - ii. Violations of Design Guidelines or Governing Documents;
 - iii. Fines applied in conjunction with violations of Design Guidelines or Governing Documents;
 - iv. Holds Beyond Compliance Staff Granted 30-day Hold. Owner requests for violation holds that exceed the authority conveyed or granted by the compliance staff.
 - b. The Owner may contact the office to obtain an appeal request form which will detail what is being appealed. MC appeals must be made within 30 days of the date of the Association's mailing of the denial notice.
 - c. The Board shall hold a hearing not later than the 30th day after the date the board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing.
 - d. The Board or the Owner may request a one-time automatic postponement of the hearing. If requested, a one-time postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties.
 - e. The hearing will be held in Executive Session with a quorum of the Board. Other parties which the Board deems necessary to assist may also attend.
 - f. The Board may act by electronic vote, if the Owner waives the right to an in-person hearing.
- A. Meetings:
 1. Not later than 10 days before the association holds a hearing, the Association shall provide to an owner a packet containing all documents, photographs, and communications relating to the matter the Association intends to introduce at the hearing. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the owner. An owner or the owner's designated representative is entitled to rebut the Association's information, present the owner's information, and present issues relevant to the appeal or dispute.
 2. During the meeting, the property owners' association or the owner may make an

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audio recording of the meeting.

3. Decisions on all Appeals shall be made during a scheduled meeting of the Board or by electronic vote and validated in a scheduled meeting.
4. If an owner fails to attend the scheduled meeting without notice of a desire to reschedule, a review of the case may still proceed and a decision rendered.
5. Meetings shall be held at the Association office located at 6201 Virginia Parkway, McKinney, Texas 75071, and/or online per Board-approved platform. All meetings are to be held in Executive Session.
6. The Board President or Director of Operations may request legal advice relating to Appeals being considered.

B. Quorum:

1. A majority of the Board shall constitute a quorum for the transaction of business. The Board Liaison to the Modifications Committee shall preside at the meeting. In the absence of the Liaison, the highest-ranking Board officer shall preside.
2. A vote of a majority of the Board present at which a quorum is met shall constitute the decision of the Board. The decision is final and there are no further appeals.

IV. DUTIES

A. Responsibilities for the Board meeting on appeals may include, but not be limited to, the following:

1. Reviewing completed SRCA homeowner written request for appeal including supporting documentation and determining approval or denial of any Appeal of the Modifications Committee (MC) decisions related to Improvements and timely appealed violations/fines related thereto that have progressed through the Covenant Enforcement & Fining Process.
2. Decisions of the MC and the Board for appeals involving variance requests shall be guided by Variance Considerations: Reasons and Limits as follow. These are the reasons that a variance may be considered:
 - a. Unique circumstances exist on the property that make application of specific items in the Design Guidelines unduly burdensome on the applicant.
 - b. The variance will have no adverse impact on current or future development in Stonebridge Ranch.
 - c. The variance is in keeping with the spirit of the SRCA Master Design Guidelines, Design Guidelines and Review Procedures for Residential Modifications (Modification Guidelines), Subdivision Design Guidelines and will have minimal impact, if any, on property of neighbors, surrounding land uses, the respective village, and SRCA as a whole.

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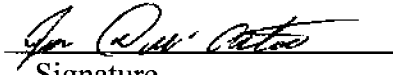
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- d. The variance will have no adverse impact on the public health, safety and general welfare of Stonebridge Ranch and its residents.
 - e. A financial hardship shall not be considered as a basis for the granting of a variance.
 - f. A variance is considered only as related to the appealing homeowner property. Similar circumstances on other SR properties shall not be considered as related to the appealing homeowner request for variance.
- 3. Following the vote of the Board of Directors, the Director of Operations shall communicate the decision to the homeowner.
 - 4. All appeals decisions made by the Board of Directors are final.

IT IS FURTHER RESOLVED that this Policy replaces and supersedes in all respects all prior resolutions relating to the levying of fines for violations of the Governing Documents, and is effective upon adoption hereof, to remain in force and effect until revoked, modified or amended.

This is to certify that the foregoing resolution was adopted by the Board of Directors at a meeting of same on September 23, 2021, and has not been modified, rescinded or revoked.

DATE: October 13, 2021


Signature
BOARD MEMBER

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REVISION HISTORY

<u>REVISION</u>	<u>DATE</u>	<u>CHANGES</u>
0	09/23/21	The Board now hears all appeals and replaces the previous Appeals Committee.