

Hunters Creek

Explanation of Proposed First Amended and Restated Declaration

Please review the "First Amended and Restated Declaration of Covenants, Conditions and Restrictions for Hunters Creek". The existing Declaration for Hunters Creek is very old (filed in 2001) and outdated. To best serve our community and maintain our property values, it is in the association's best interest to bring this vital document up-to-date. At a minimum, the document needs to be in line with the Texas Property Code (state laws that the association must follow), and contain the ability to modify the restrictions of the community as state laws may change. Additionally, the existing Declaration's language is written for and slated to the Declarant (Developer) of the subdivision, who has not been in control for years.

The Board of Directors worked closely with the association's attorney to revise the Declaration document. Especially because the Declarant language was all throughout, it was recommended to amend and restate the entire Declaration rather than try to create numerous amendments.

The First Amended and Restated Declaration is available on the community website, www.hunterscreekresidents.com. Log in to the website and the document is available on the home page for your review. *[If you have any trouble viewing the document, please contact the Community Manager, Betty Crudden, for assistance. 972 960 2800 x316 or b.crudden@sbbmanagement.com.]*

The document you will be reviewing is shown in "Redline" format. This means that you can see what language is being replaced. Language that is shown with a strikethrough is old language that is being removed. Language that is shown underlined is new language. Some language will not change, and is shown normally.

Unless otherwise noted here, the majority of the Redline changes you see on the new Amended and Restated Declaration are legal in nature and serve to remove Declarant language or serve to bring the document in line with the Texas Property Code. Here are some other changes of interest:

Article II, Section 2.3 (b) – the provision for the association to borrow money secured by a lien again Common Area was removed. *(Removed after input from homeowners.)*

Article III, Section 3.4 – changes the membership meeting notice requirements from a minimum of thirty (30) days to a minimum of ten (10) days. Provides language that allows a membership meeting to be adjourned if quorum is not present and then re-convened after 15 minutes to a lesser quorum requirement.

Article IV, Section 4.3 – shows the current regular maximum assessment amount and permits a maximum of 10% increase per year unless approved by members. Previously, there was no limit to the amount annual assessments could be increased without homeowner vote. *(The maximum percentage was changed from 25% to 10% after input from homeowners. There is no plan to increase the assessments at this time.)*

Article V, Section 5.3 – Permits the Board of Directors (who are elected by the homeowners) to amend and approve the Design Guidelines rather than the Architectural Review Committee (appointed).

Article V, Section 5.4 – Removes homebuilder language and improves wording regarding submissions for architectural change.

Article VI, Section 6.1 and 6.6 (o) – Adds language to prevent weekend party leasing (e.g. Airbnb or VRBO) by prohibiting leases less than three (3) months in length. *(The lease length was changed from less than six (6) months to less than three (3) months after input from homeowners.)*

Article VI, Section 6.6 – 6.15 – Changes in these sections tighten up use restrictions and allow the Design Guidelines to provide the details. (This will make it much easier to comply with state law changes as/if they occur.)