



**Amended, Restated and
Consolidated Declaration of
Covenants, Conditions and
Restrictions of Emerald Forest
(CC&Rs)**

SUMMARY & RATIONALE FOR CHANGES

Five years ago, as the Texas Legislature continued to amend and add to the laws governing HOA's, the Board of Directors of the Emerald Forest HOA was concerned that the subdivision's deed restrictions were becoming outdated. Emerald Forest's deed restrictions documents (all 11 of them) are formally known as Declaration(s) of Covenants, Conditions, and Restrictions (CC&Rs). CC&Rs govern the use of real property in a deed restricted subdivision like Emerald Forest. Our CC&Rs date from when Emerald Forest was first established in the mid- to late-1980's and have remained unchanged as the subdivision developed through its 11 phases - each phase having a separate CC&R document.

The Board determined that Emerald Forest's deed restrictions required some changes to avoid problems that could worsen over time. Rather than attaching a few amendments to a cumbersome set of out- dated, developer-crafted documents, the HOA Board resolved to thoroughly review, analyze, amend and ultimately to restate - Emerald Forest's CC&Rs. The project was launched with three goals:

1. To **CONSOLIDATE** CC&Rs into a single document and remove inconsistencies across the 11 Phases.
2. To update CC&Rs to **COMPLY with** changes in Texas law governing HOAs; and
3. To amend and add provisions to **CLARIFY** the intent and purpose of the CC&Rs so that property values and lifestyle would be maintained and improved in a changing, developing city like CollegeStation.

Early on, the Board appointed a drafting/steering committee comprised of three board members who were assisted by a review and advisory group of 38 Emerald Forest homeowners. To ensure the project goals were met, the drafting/steering committee identified and adopted certain guiding objectives:

- To eliminate obsolete provisions
- To eliminate provisions no longer observed or enforced
- To eliminate developer roles, privileges and involvement which were no longer

relevant

- To provide a single CC&R document appropriate for a completely built-out development
- To provide for changes in technology
- To provide a governing document that was user friendly and easily understood
- To improve poorly drafted language by clarifying ambiguous provisions
- To correct mistakes and errors
- To tailor the document to fit the living experiences and expectations of homeowners

The project involved contributions from Board members as well as scores of conscientious, dedicated homeowners. Legal counsel, knowledgeable and experienced in property and HOA law, was hired to advise, review, and fine-tune their work to produce improved deed restrictions in a new CC&R document that is compliant with the law and protects the interests of homeowners and the HOA.

One of the key objectives of this effort was to develop a document that does not substantially change the existing restrictions. This document expands upon the definitions and clarifies the intent of the original restrictions to avoid ambiguity or misunderstanding going forward.

The Board of Directors unanimously accepted and approved the proposed ***Amended, Restated and Consolidated Declaration of Covenants, Conditions and Restrictions of Emerald Forest***. To become effective, the document must be adopted by an affirmative vote by a majority of homeowners in each of the 11 phases of Emerald Forest. We anticipate the initiation of the formal vote by late June or early July 2022. This will allow for a series of informational meetings for all homeowners to answer questions and provide open forums to discuss how this new document will better protect our home values.

Please go the Emerald Forest neighborhood website and review the proposed CC&Rs and compare this document to your current deed restrictions. Both documents may be found at : emeraldforesthoa.org

Links to a full range of information, questions and answers can be found there.

Forward any questions concerning this document to my attention at hoa@bhscaliber.com and I will respond back to you personally.

In the next few weeks, you will receive an email invitation from Berkshire Hathaway, our HOA Management Company, providing the date, time of meeting and location of a Community Meeting. A formal presentation, questions/answers, and public comment regarding the proposed CC&Rs will be addressed. It is important that everyone has access to the facts and that you have a direct avenue to the Board for questions and answers.

We are confident the proposed document will protect the integrity of our neighborhood, enhance the quality of life, and maintain property values in Emerald Forest in the years ahead. We thank you for your time and interest in this important matter and urge you to vote **YES** for its adoption.

David Higdon
President
Emerald Forest HOA
Board of Directors