

HIGHLAND SHORES OWNER'S ASSOCIATION MODIFICATIONS COMMITTEE CHARTER

Purpose

The purpose of this Charter is to specify and clarify the composition, duties, and responsibilities of the Modifications Committee. This Amended Charter shall become effective March 5, 2010.

I. Organization

- A. Modifications Committee members are homeowner volunteers appointed and/or removed by the Board of Directors, at their absolute discretion. Membership shall be limited to owners in good standing.
- B. The Modifications Committee shall consist of at least three (3) and no more than five (5) regular members and two (2) alternate members. The alternate member(s) may only serve in the absence of a regular member for purposes of conducting official Modifications Committee business. A quorum, required for all official meetings of the Modifications Committee is defined as the presence of a majority of the number of regular members, or their alternates if the regular member is absent. In the absence of a regular member at any Modifications Committee meeting, an alternate, if present, shall assume all the duties and responsibilities of the absent regular member and may be counted towards a quorum. In the event that one regular member is absent and two alternates are present; alternate one will assume the absent regular member's duties and responsibilities immediately after calling the meeting to order.
- C. The Modifications Committee members will annually, at the first meeting of each calendar year, elect one of its members to serve as the Chairperson and a second member to serve as the Vice Chairperson. The Chairperson shall act as the facilitator of all meetings. In the event the Chairperson is not present, the Vice Chairperson will act as the facilitator. In the event both Chairman and Vice Chairman are absent, the Chairman may by written proxy delegate another member to facilitate a meeting. The Committee Chairperson and Vice Chairperson are limited to a maximum of two (2) consecutive one-year terms. At the completion of the two (2) consecutive one-year terms, the Modifications Committee will elect different members to serve as the Chairperson and Vice Chairperson. While the Chairperson and Vice Chairperson may not serve more than two consecutive terms; each is eligible for re-election after a one year hiatus.

- D. The Modifications Committee meeting dates will be set and established by the Modifications Committee at the December meeting of each year for the following year's meetings. Meetings shall be held at the on-site management office on Friday mornings of the specific dates assigned by the Committee at 9:15 a.m., unless an alternate time is specifically agreed in advance by the Modifications Committee.
- E. The Board of Directors will appoint one of its directors as a Board Liaison to the Modifications Committee who will monitor all Modifications Committee meetings in order to facilitate communication and understanding between the two groups.

II. Responsibilities

- A. The Modifications Committee shall have exclusive jurisdiction over modifications, additions, or alterations made on or to existing Residential Units, with the exception of the addition of a swimming pool or any modification which affects the roof plan or footprint of the main residence, or affects the drainage pattern on the Residential Unit. These latter exception cases, in addition to all submittals for construction of a new residence (and any projects submitted concurrently) shall be referred to the Association's New Construction Committee. The Modifications Committee shall promulgate, and amend from time to time, detailed Standards and Procedures governing its area of responsibility and practice as set out in the "Design Guidelines & Review Procedures for Residential Modifications", dated June 15, 1993 and subsequently amended (the "*MC Design Guidelines*".)
- B. The Modifications Committee shall, in respect to all homeowner requests, interpret and apply the appropriate *MC Design Guidelines*, and the *Land Use Standards* (as initially set forth in Exhibit 'C' of the Association's C, C and R's and subsequently promulgated by the Board of Directors collectively, and shall determine that each request either: (1) conforms to the *MC Design Guidelines* and the *Land Use Standards*, or (2) does not conform to the *MC Design Guidelines* and the *Land Use Standards*. In very exceptional, individual cases where a request does not conform to the *MC Design Guidelines*, given a sufficient unique justification, the Modifications Committee may decide to grant a waiver of the *MC Design Guidelines*. In no event shall the Modifications Committee consider a request for a waiver after the completion of any modification project. (Such requests may, at the discretion of the Modifications Committee be submitted to the Board of Directors for a judgment.)

- C. The Modification Committee must consider and act on each request submitted and send a written decision through Management to approve or disapprove the application or grant a waiver within forty-five (45) days of submission.
- D. After any approved modification is completed, the Modification Committee reserves the right to inspect the modification. The scope of the inspection will be limited to verification of conformance with the application; the committee will not inspect, nor be responsible in any manner for, the municipal code compliance, quality, craftsmanship or structural integrity of the modification.
- E. The Modifications Committee maintains the right from time to time, at its sole discretion, to waive, amend or modify the MC Design Guidelines in order to maintain community standards, including, but not limited to, aesthetics, of Highland Shores or to address changing circumstances or technology.
- F. To the best of their ability, Modifications Committee members will familiarize themselves with the governing documents of Highland Shores and the relevant laws of the State of Texas governing homeowner's associations.
- G. The Committee may receive comments and/or complaints from homeowners through Management involving matters within the Modifications Committee's jurisdiction and shall handle them according to the Association's documents.
- H. The members of the Modifications Committee, while acting within the course and scope of this Charter, shall be deemed and are considered "Individual Insured's" under the Association's Directors & Officers Liability Policy
- I. In the event of a conflict between the provisions of this Charter, the MC Design Guidelines and the terms of the C, C & R's the latter shall prevail.

The Board of Directors of the Association, at its discretion, may from time to time modify, reduce, expand or supplement the duties of the Modification Committee as set forth in the above Charter.

Amended by the Modifications Committee on March 5, 2010



Stan Lemko, Chairman