



BINGLEWOOD SECTION V: AMENDING THE DEED RESTRICTIONS - FAQs

BRIEF SUMMARY & BACKGROUND:

Binglewood has six sets of Deed Restrictions for each of its Sections 1 through 6. They were passed from 1956 through 1994. Section 6 was built in 1994 and has more modern Deed Restrictions called a “Declaration of Covenants”. While all sections are regulated by Texas Property Code Chapter 204, none of the original documents mentioned a neighborhood civic association. Instead, architectural approval authority was vested in specific individuals or defunct corporations, and these rights were never legally transferred to our modern civic organization in the Harris County public records.

To bridge this decades-old legal gap, we have formed an official Petition Committee to bring our governance up to modern Texas standards.

What are we doing?

We are updating our deed restrictions using the standard process outlined in the Texas Property Code. This update will formally designate the Binglewood Civic Association, Inc. (BCA) as our official Property Owners’ Association (POA) and establish fixed, mandatory annual dues of \$100 per lot.

Why do we need to amend our Deed Restrictions?

Fixing a Historical Legal Flaw: Our original 1964 deed restrictions gave neighborhood architectural approval power to specific individuals who are no longer alive. That power was never legally transferred to our civic association in the county records.

Protecting Property Values: This update gives our association the official legal standing it needs to enforce existing deed restrictions and protect our property values.

Securing Dependable Funding: Relying on voluntary donations makes it difficult to budget. A steady, predictable fund allows us to maintain entrance signs, care for green spaces near the park, and add security features like Flock cameras or in-person patrols.

What is changing right now?

Under Texas Property Code Section 204.006, the scope of this initial creation petition is strictly limited. This First Amendment will do exactly three things:

1. Formally recognize BCA as our official Property Owners' Association.
2. Make association membership mandatory for all lot owners in Section V.
3. Establish mandatory dues of \$100 per year (which is less than \$9 a month).

Note: No other deed restrictions are changing right now. If we want to remove outdated 1964 language (like "servant's quarters" clauses), we must do that later in a completely separate, subsequent amendment.



How does the voting process work?

The 60% Threshold: Texas law requires the express written approval of owners representing at least 60% of the total lots in a section. For Section V, which contains 104 single-family homes, we need 63 unique "Yes" signatures.

One Vote Per Address: Every platted lot receives exactly one vote. If a property is co-owned (such as by spouses), both should sign the document, but it still represents a single vote toward our 90-home goal.

The One-Year Clock: We have a strict, statutory one-year deadline to collect all necessary signatures, starting the exact day the Petition Committee notice is recorded with the county.

Section-by-Section Independence: Every section in Binglewood votes completely independently. Section V can successfully pass this amendment and begin funding local block improvements just for Section V even if adjacent sections choose not to participate.

What are the next steps?

1. Filing the Notice: The Petition Committee will execute and record a formal "Notice of Formation" with the Harris County Clerk to officially open our voting window.
2. Packet Distribution: Every lot owner in Section V will receive a complete information and legal packet via mail or direct hand-delivery.
3. Door-to-Door Canvassing: Volunteers will visit every home in Section V to answer individual questions and collect official, notarized signatures on the Amendment.

Summary of Our Strategy:

- 1st Amendment (Current Initiative): BCA becomes the official POA, mandatory membership is required for each lot owner in the section, and mandatory dues of \$100 are assessed per year. This requires exactly 60% lot owner approval to pass.
- 2nd Amendment (Future Initiative): Once the POA is legally recognized under Texas law, we can proceed to completely update, modernize, or rewrite our underlying 1959 deed restrictions to address outdated clauses in their entirety (such as addressing outdated "servant's quarters" clauses). Under Chapter 204 rules, subsequent restriction modifications will also require a standard 60% lot owner vote.