



# MADEIRA

*Texas Living*

## MADEIRA RESIDENTIAL ASSOCIATION, INC. SECURITY MEASURES POLICY

STATE OF TEXAS                   §  
  §  
COUNTY OF CAMERON         §

### I. PURPOSE

The purpose of this Security Measures Policy (this "*Policy*") is to provide guidance regarding security measures on Lots as authorized by Texas Property Code 202.023 (the "*Code*"). The Board of Directors (the "*Board*") of Madeira Residential Association, Inc., a Texas nonprofit corporation (the "*Association*") has determined that it is in the best interest of the Association to establish this Policy regarding security measures on property subject to its jurisdiction.

### II. APPLICABILITY AND AUTHORITY

The property encumbered by this Policy is that property restricted by the Declaration of Covenants, Conditions, and Restrictions for Madeira (Residential Property), recorded under Clerk's File No. 2024-42759 in the Official Public Records of Cameron County, Texas, as same has been or may be amended from time to time (the "*Declaration*"), and any other property which has been or may be annexed into Madeira and made subject to the authority of the Association.

The capitalized terms used in this Policy are defined in the same manner as set forth in the Declaration and the interpretation provision set forth in the Declaration applies to this Policy, which definitions and interpretation provision are incorporated in this Policy by this reference.

Any reference made in this Policy to approval by the Architectural Review Committee (the "*ARC*"), means prior written approval by the ARC.

Pursuant to the Dedicatory Instruments governing the Property, the Association is vested with the authority to adopt policies, rules, and guidelines.

Pursuant to the authority granted in the Code, the Board adopts this Policy, which runs with the land and is binding on all Owners and Lots within the Property. The provisions of this Policy are in addition to any other applicable guidelines, rules, or policies. This Policy is effective upon the recording of same. After the effective date, in the event of a conflict between the terms of this Policy and any previously adopted guidelines, rules, or policies addressing security measures, this Policy will control.

Invalidation of any one or more of the covenants, conditions, restrictions, or provisions contained in this Policy will in no way affect any one of the other covenants, conditions, restrictions, or provisions of this Policy, which remain in full force and effect.

### III. SECURITY MEASURES POLICY

1. **ARC Application Required.** Before any security measure contemplated by Section 202.023(a) of the Code is constructed or otherwise erected on a Lot, an ARC application must be submitted to the Association and approved in writing in accordance with the Dedicatory Instruments. The following information must be included with the application:

- a. Type of proposed security measure;
- b. Location of proposed security measure;
- c. General purpose of proposed security measure; and
- d. Proposed construction plans or site plan.

Owners are encouraged to be aware of the following issues when seeking approval for and installing a security measure:

- a. The location of property lines for the Lot. Each Owner should consider obtaining a survey before installing a security measure;
- b. Easements in the area in which the security measure is to be installed; and
- c. Underground utilities in the area in which the security measure is to be installed.

**The Association is not obligated to and will not review an Owner's ARC security measure application for the above-referenced issues. Owners should be aware that a security measure may have to be removed if a person or entity with superior rights to the location of a security measure objects to the placement of the security measure.**

2. **Type of Fencing.** The Code authorizes the Association to regulate the type of security measure fencing that an Owner may install on a Lot.

- a. The following type of security measure fencing is approvable:
  - i. Steel flat top metal fencing measuring 6 feet in height. Fence must be painted black. Decorative embellishments are prohibited.
  - ii. Pickets must be ¾", 4" on center with 1-1/4" top and bottom rails.
  - iii. Any driveway or pedestrian gates installed must be comprised of the same material as the security measure fencing, must swing inward and equipment must be kept screened from view with evergreen shrubs.

- iv. When a metal picket fence meets a wood fence, the metal fence may not be attached to the wood fence. The metal fence is to be terminated with a 3 inch post adjacent to the wood post.
- v. Placement of fencing must comply with all state and local regulations.

The ARC has the discretion to determine any other types of approvable security measure fencing that are in addition to the type listed in this Policy.

- b. If the proposed security measure fencing is located on one or more shared Lot lines with adjacent Lot(s) (the "*Affected Lots*"), all Owners of record of the Affected Lots must sign the ARC application evidencing their consent to the security measure fencing before the requesting Owner (the "*Requesting Owner*") submits the ARC application to the ARC. In the event that the Affected Lot Owner(s) refuse to sign the ARC application as required by this section, the Affected Lot Owner(s) and Requesting Owner acknowledge and agree that the Association has no obligation to participate in the resolution of any resulting dispute in accordance with this Policy.

3. **Burglar Bars and Security Screens.** All burglar bars, security screens, and front door entryway enclosures must be black, or any color approved by the ARC. Notwithstanding the foregoing, the ARC has the discretion to approve another color for burglar bars, security screens, and front door entry enclosures if, in the sole and absolute discretion of the ARC (subject to an appeal to the Board in the event of an ARC denial), the proposed color of the burglar bars, security screens, and front door entryway enclosures complements the exterior color of the Dwelling. All burglar bars and front door entry enclosures must be comprised of straight horizontal cross-rails and straight vertical pickets. Decorative elements and embellishments (whether part of the original construction of the burglar bar or security screen or an add-on) of any type are prohibited on burglar bars, security screens, and front door entryway enclosures.

4. **Location.** A security measure may be installed only on an Owner's Lot, and may not be located on, nor encroach on, another Lot, street right-of-way, Association Common Area, or any other property owned or maintained by the Association. No fence may be installed in any manner that would prevent someone from accessing property that they have a right to use or access.

5. **Disputes; Disclaimer; Indemnity.** Security measures, including, but not limited to, security cameras and security lights, may not be permitted to be installed in a manner that the security measure is aimed or directed at an adjacent property which would result in an invasion of privacy or cause a nuisance to a neighboring Owner or Occupant. **In the event of a dispute between Owners or Occupants regarding security measure fencing, or a dispute between Owners or Occupants regarding the aim or direction of a security camera or security light, the Association has no obligation to participate in the resolution of the dispute. The dispute will be resolved solely by and between the Owners or Occupants.**

EACH OWNER AND OCCUPANT OF A LOT WITHIN THE PROPERTY ACKNOWLEDGES AND UNDERSTANDS THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES, AND THE ARC, ARE NOT INSURERS AND THAT EACH OWNER AND OCCUPANT OF ANY DWELLING OR LOT THAT HAS A SECURITY MEASURE THAT HAS BEEN OR WILL BE INSTALLED PURSUANT TO THIS POLICY ASSUMES ALL RISKS FOR LOSS OR DAMAGE TO PERSONS, TO DWELLINGS AND IMPROVEMENTS, AND TO THE CONTENTS OF DWELLINGS AND IMPROVEMENTS, AND FURTHER ACKNOWLEDGES THAT THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES, AND THE ARC, HAVE MADE NO REPRESENTATIONS OR WARRANTIES, NOR HAS ANY OWNER OR OCCUPANT RELIED UPON ANY REPRESENTATIONS OR WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, RELATIVE TO ANY SECURITY MEASURE THAT MAY BE APPROVED BY THE ARC PURSUANT TO THIS POLICY.

OWNERS OF LOTS WITHIN THE PROPERTY AGREE TO INDEMNIFY, PROTECT, HOLD HARMLESS, AND DEFEND (ON DEMAND) THE ASSOCIATION, INCLUDING ITS DIRECTORS, OFFICERS, MANAGERS, AGENTS, EMPLOYEES, AND COMMITTEE MEMBERS COMPRISING THE ARC (COLLECTIVELY REFERRED TO AS THE "*INDEMNIFIED PARTIES*") FROM AND AGAINST ALL CLAIMS (INCLUDING, WITHOUT LIMITATION, CLAIMS BROUGHT BY AN OWNER OR OCCUPANT) IF SUCH CLAIMS ARISE OUT OF OR RELATE TO A SECURITY MEASURE GOVERNED BY THIS POLICY. THIS COVENANT TO INDEMNIFY, HOLD HARMLESS, AND DEFEND INCLUDES (WITHOUT LIMITATION) CLAIMS CAUSED, OR ALLEGED TO BE CAUSED, IN WHOLE OR IN PART BY THE INDEMNIFIED PARTIES' OWN NEGLIGENCE, REGARDLESS OF WHETHER SUCH NEGLIGENCE IS THE SOLE, JOINT, COMPARATIVE, OR CONTRIBUTORY CAUSE OF ANY CLAIM.

The installation of a security measure that is not in compliance with this Policy is considered a violation of the Dedicatory Instruments governing the Property.

[SIGNATURE PAGE FOLLOWS]

**CERTIFICATION**

I certify that, as President of the Madeira Residential Association, Inc., a Texas nonprofit corporation, the foregoing Security Measures Policy was approved on the 18 day of December, 2024, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 18 day of December, 2024.

Madeira Residential Association, Inc., a Texas nonprofit corporation

By: [Signature]  
Print Name: Jorge Ibarra  
Title: President

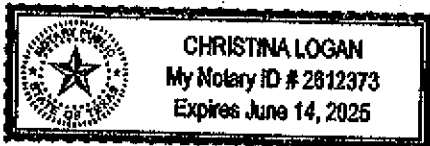
STATE OF TEXAS

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COUNTY OF Cameron

BEFORE ME, on this day personally appeared Jorge Ibarra the President of Madeira Residential Association, Inc., a Texas nonprofit corporation, known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes and in the capacity stated in this instrument, and as the act and deed of said corporation.

Given under my hand and seal this the 18 day of December, 2024.



Christina Logan  
Notary Public - State of Texas

After Recording, Return To:

Lisa L. Gambrell  
Isabella L. Vickers  
Roberts Markel Weinberg Butler Hailey PC  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, Texas 77056

**Cameron County  
Sylvia Garza-Perez  
Cameron County Clerk**

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**Instrument Number:** 2025-310

eRecording - Real Property

Recorded On: January 03, 2025 04:42 PM

Number of Pages: 6

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**" Examined and Charged as Follows: "**

Total Recording: \$51.00

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**\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\***

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 310  
Receipt Number: 20250103000093  
Recorded Date/Time: January 03, 2025 04:42 PM  
User: Elias G  
Station: CCLERK19\_10

**Record and Return To:**

CSC Global  
835 E LEVEE  
  
BROWNSVILLE TX 78520



**STATE OF TEXAS  
COUNTY OF CAMERON**

**I hereby certify that this Instrument was FILED In the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of County, Texas.**

Sylvia Garza-Perez  
Cameron County Clerk  
Cameron County, TX