

MALIBU ESTATES PLANO HOMEOWNER'S ASSOCIATION, INC.

GUIDELINES FOR SECURITY MEASURES

- (1) These Guidelines for Security Measures ("*Guidelines*") are promulgated pursuant to Section 202.023 of the Texas Property Code and outline the restrictions applicable to the construction or installation of security measures by owners, including but not limited to a security camera, motion detector, or perimeter fence, if the owner qualifies for a perimeter fence under Sections 202.023(d) or 202.023(e) of the Texas Property Code.
- (2) Owners may install or build security measures on their lot for the purpose of deterring criminal acts or to increase personal security while adhering to and promoting the design, harmony, and aesthetics of the subdivision. Malibu Estates Plano Homeowner's Association, Inc. ("*Association*") shall have the sole and absolute discretion in determining whether an item or improvement is a reasonable security measure subject to the allowances provided by these Guidelines.
- (3) Cameras/Motion Detectors. Owners may place cameras and motion detectors on their lot for security measures, not on the lot of any other owner, and not on any Association property. Cameras shall be used for the primary purpose of capturing images of the lot on which the camera is installed and shall not unreasonably interfere with the use and enjoyment of any neighbor's lot or Association property. Camera use will be limited to situations that do not violate the reasonable expectation of privacy as defined by law.
- (4) Perimeter Fencing.
 1. An Owner is prohibited from placing fencing that obstructs:
 - a. A licensed area, as defined by a written license agreement or plat;
 - b. A sidewalk in the public right-of-way or otherwise installed for public or community use; or
 - c. A drainage easement or drainage area.
 2. Driveway gates must be set back at least ten (10) feet from the right-of-way if the driveway intersects with a laned roadway, as defined by Section 541.302 of the Texas Transportation Code.
 3. Fencing must not extend past the front-most building line of the dwelling.
 - a. Fencing installed prior to September 1, 2025, which otherwise violates this Policy, may remain in place.
 - b. Fencing that is installed in front of the front-most building line of the dwelling or residence by Owners whose residential address is exempt from public disclosure under state or federal law, or who provide the Association documentation from a law enforcement agency of the Owner's need for enhanced security measures, may remain in place so long as the Owner

complies with Section 5 and 6 of these Guidelines. An Owner is required to provide documentation to the Association's architectural control authority that proves he/she is entitled to an exemption under this Section. However, such fencing must be removed on or prior to the transfer of title of the property, or if the Owner no longer qualifies for the public disclosure exemption pursuant to Section 202.023(e) of the Texas Property Code. Owners are required to pay for the expense of removing the fencing described in this Subsection (b).

4. Owners, who otherwise do not meet the aforementioned criteria, are subject to enforcement actions for the continued existence of non-conforming fencing.

- (5) Perimeter Fencing Guidelines for Owners Exempt from Public Disclosure Pursuant to Section 202.023(e) of the Texas Property Code. Plans and specifications, including an application for the installation of a perimeter fence, will not be reviewed or approved by the Association's architectural review authority *unless* accompanied by: (i) the drawing showing materials, dimensions and location submitted in order to obtain a permit; and (ii) a permit issued by the City or other applicable municipal authority allowing the installation. Perimeter fencing is permitted by the Association as a security measure and must be ground-mounted on the boundary line of the owner's lot and installed in a contiguous manner around the entirety of the lot boundaries. No gaps in perimeter fencing are permitted, *i.e.*, the perimeter fencing must fully enclose the lot. Perimeter fencing shall not exceed six feet (6') in height or be lower than four feet (4') in height. Perimeter fencing must (a) be constructed of wrought iron, (b), be black in color, (c) have pickets of 5/8" with no less than a 5" gap between the pickets, and (d) have a flat runner at the top and bottom with no spirals or finials. A gate in a perimeter fence is for all purposes considered part of the fence. Any gate shall open towards the interior of the lot. The Association may prohibit fencing other than perimeter fencing. All fencing including perimeter fencing must receive prior written approval from the architectural review authority. Perimeter fencing shall not consist of any barbed wire, razor wire, wire mesh, chain link, vinyl, or privacy fencing, including board-on-board or solid fencing. Electrically charged fencing is prohibited. The construction requirements for the original or existing fencing (located in or enclosing the backyard areas) are not replaced or superseded by these Guidelines.
- (6) Plans and Specifications. Prior to installation of any security measure, the owner must submit plans and specifications including dimensions, colors, materials, and proposed location on the owner's lot, scaled in relation to all boundary lines and other improvements on the lot. Plans must be submitted to the architectural review authority, and the owner must receive prior written approval prior to installation of any security measures. All proposed installations must be of a type, including materials, color, design, and location, approved by the architectural review authority. The architectural review authority may require the use of, or prohibit, specific materials, colors, and designs and may require a specific location(s) for the security measure. An owner who builds or installs a security measure must ensure that compliance with all laws, ordinances, and codes. An approval of an application for a security measure by the architectural review authority is not a guaranty or representation of compliance with any laws, ordinances, codes or drainage requirements, and the owner assumes all risks, expenses and liabilities associated with safety measures built or installed,

including, but not limited to, the city or county requiring the removal of perimeter fencing for any reason.

- (7) AN APPROVAL OF AN APPLICATION FOR A SECURITY MEASURE BY THE ARCHITECTURAL REVIEW AUTHORITY SHALL IN NO WAY BE CONSIDERED OR CONSTRUED THAT THE ASSOCIATION OR ITS ARCHITECTURAL REVIEW AUTHORITY ARE INSURERS OR GUARANTORS OF SECURITY OR SAFETY OF PERSONS, PROPERTY OR POTENTIAL CRIMINAL ACTIVITY. FURTHER, NEITHER THE ASSOCIATION NOR ITS ARCHITECTURAL REVIEW BODY SHALL BE HELD LIABLE FOR ANY LOSS OR DAMAGE BY REASON OF FAILURE OR INEFFECTIVENESS OF THE OWNER'S SECURITY MEASURE(S).
- (8) Any security measure built or installed must be properly maintained, kept in good repair, and not permitted to go into a state of disrepair or become an eyesore, as determined in the sole and absolute discretion of the Board of Directors.

IT IS RESOLVED these Guidelines were duly introduced, seconded, and were thereafter adopted at a regular scheduled meeting of the Board of Directors, held on the 20th day of November 2025, at which a quorum was present, by a majority vote of the members of the Board of Directors present and eligible to vote on this matter, and shall remain in force and effect until revoked, modified or amended by the Board of Directors. These Guidelines shall be filed of record in the Official Public Records of Collin County, Texas.

Executed to be effective as of the date noted above.

**MALIBU ESTATES PLANO
HOMEOWNER'S ASSOCIATION, INC.,
a Texas non-profit corporation**

By: _____
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Divya Nair
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Its: Divya Nair, Secretary