

BRIARWICK CONDOMINIUM OWNERS ASSOCIATION, INC.
2026 Right of Access Policy for Upgrades to Limited Common Elements

WHEREAS it has come to the attention of the Board of Directors for the Briarwick Condominium Owners Association (the “Board”) that there may be a need in the future to enter condominium units for the purpose of installing upgrades or modifications to the Limited Common Elements (as defined in the Declaration recorded under Harris County Clerk’s File No. J109905); and

WHEREAS Texas Property Code § 82.102(a) grants the Board the power to, among other things, “adopt and amend rules regulating the use, occupancy, leasing or sale, maintenance, repair, modification, and appearance of units and common elements, to the extent the regulated actions affect common elements or other units”; and

WHEREAS the Board has determined that the installation of fiber optic wiring, conduits, wall plates, outlets, access panels, and related telecommunications infrastructure constitutes an upgrade to the Limited Common Elements serving individual condominium units and the community as a whole; and

WHEREAS uniform installation of such upgraded Limited Common Elements throughout the community is necessary to facilitate efficient construction, maintenance, repair, replacement, and future availability of high-speed internet service; and

WHEREAS installation of the upgraded Limited Common Elements does not require any owner or occupant to activate, purchase, or subscribe to internet service from any provider, and any decision to activate service shall remain entirely voluntary; and

WHEREAS installation on a unit-by-unit voluntary basis is impractical and would impair the efficient and uniform deployment of the fiber optic infrastructure throughout the community; and

WHEREAS the Board has determined that it is necessary and appropriate for the Association and its authorized agents to have access to condominium units, upon

reasonable notice, for the purpose of installing, maintaining, repairing, replacing, or modifying upgrades to the Limited Common Elements; and

WHEREAS at a regular meeting of the Board of Directors of the Association, a quorum of the Directors was present and at least a majority of the Directors present voted to adopt this Policy as further detailed below.

Now therefore be it RESOLVED and ADOPTED:

Section 1.

The Association and its agents shall have a right to access condominium units at reasonable times and with reasonable advance notice for the purpose of installing, maintaining, repairing, replacing, or modifying fiber optic wiring, conduits, wall plates, outlets, access panels, and related telecommunications infrastructure constituting upgrades to the Limited Common Elements.

Section 2.

The Association shall provide advance notice of at least ten (10) calendar days to owners of its intent to enter their condominium units pursuant to this Policy for the purpose of installing fiber optic wiring, conduits, wall plates, outlets, access panels, and related telecommunications infrastructure constituting upgrades to the Limited Common Elements.

Section 3.

All owners shall permit the Association and/or its authorized agents, contractors, and vendors to have access to the owner's unit for the purpose of installing, maintaining, repairing, replacing, or modifying fiber optic wiring, conduits, wall plates, outlets, access panels, and related telecommunications infrastructure constituting upgrades to the Limited Common Elements.

Section 4.

Any owner who refuses access shall be subject to enforcement remedies available under the Declaration, By-Laws, Rules and Regulations, and the Texas Property Code, including legal action, recovery of attorney fees and costs, and such other relief as may be available.