

**Attachment D**

**PANDEMIC POLICY**

**ERWIN FARMS HOMEOWNER'S ASSOCIATION, INC.**

**Pandemic Policy**

**WHEREAS**, the Board of Directors (the "Board") of Erwin Farms Homeowner's Association, Inc. (the "Association") wishes to adopt reasonable guidelines to establish a Pandemic Policy for the Association; and

**WHEREAS**, the Board held an open board meeting on the 15th day of December 2023, wherein at least a majority of the Board voted in the affirmative to adopt this Pandemic Policy on behalf of the Association. The Board wishes to adopt these reasonable guidelines in compliance with Section 148.003 of the Texas Civil Practice and Remedies Code of the Texas Property Code ("Section 148.003") regarding liability of the Association under Section 148.003 ("Pandemic Liability"); and

**WHEREAS**, the Board intends to file these guidelines as a stand-alone document in the real property records of each county in which the subdivision is located, in compliance with Section 202.006 of the Texas Property Code. All Policies of the Association may be adopted, amended, and rescinded at any time as a stand-alone policy so long as said policy is then recorded as Dedicatory Instrument; and

**WHEREAS**, this policy may be amended at any time and from time to time by the Declarant during the Declarant Control Period and thereafter by the Board of Directors by Resolution as a stand-alone policy to comport with industry standards, to amend or revise provisions of the policy as may be deemed necessary and in the best interest of the Association; and

**NOW, THEREFORE, IT IS RESOLVED** that as of the 15<sup>th</sup> day of December 2023, the following guidelines are established by the Board:

In no event shall the Association or any board member, committee member or officer thereof be liable under Section 148.003 for any Pandemic Liability. With respect to the use of Common Areas and/or or any Areas of Common Responsibility owned or maintained by the Association, each Owner for themselves, members of their household, and his or her guests or invitees hereby waives and releases the Association for, from and against any liability for injury or death caused by or in connection with exposure of any individual to a pandemic disease during a pandemic emergency. Furthermore, each Resident and Owner for themselves, members of their household, and his or her guests or invitees acknowledges and agrees by recordation hereof as follows:

1. The Association has provided sufficient warning to each individual Resident and Owner, members of their household, and his or her guests or invitees that exposure of an individual to a disease during a pandemic emergency is likely.
2. The Association has no control over conditions related to a pandemic emergency, has no basis of knowledge as to whether any individual would be more likely than not to come into contact with the pandemic disease under any circumstances, and has no obligation, opportunity, or ability to remediate conditions or warn any individual of a condition before the individual comes into contact with a condition related to pandemic disease.


3. The Association has no liability or responsibility to comply with any government-promulgated standards, guidance or protocols intended to lower the likelihood of exposure to the disease during a pandemic emergency, and each Resident, Owner, members of their households, and their respective guests or invitees have a reasonable opportunity and ability to implement or comply with any and all government-promulgated standards, guidance or protocols intended to lower the likelihood of exposure to the disease during a pandemic emergency with respect to such Resident's, Owner's, household member's, guest's or invitee's use of any Common Areas and/or Areas of Common Responsibility. The Association may be entitled to implement certain emergency protocols as to the operations of the Association as may be provided under the Texas Business Organizations Code.

4. All Common Areas and Areas of Common Responsibility owned or maintained by the Association are entered into and/or used by a Resident, an Owner, members of their households, and their respective guests or invitees at their own risk. The Association disclaims any and all liability or responsibility for injury or death related to the pandemic disease or otherwise occurring from entry or use of the Common Areas and/or Areas of Common Responsibility.

**IT IS FURTHER RESOLVED**, this adopted policy is executed to be effective as of the date herein noted above and that this Policy supersedes in all respects any prior policy and resolution with respect to the Pandemic Policy filed by the Association or its predecessor-in-interest and shall remain in full force and effect until revoked, modified or amended.

**IN WITNESS WHEREOF**, the undersigned, being the Board President of the Association has executed this Notice as of the 15<sup>th</sup> day of December 2023.

Erwin Farms Homeowner's Association, Inc., a  
Texas non-profit corporation

Name:   
Title: Brock Babb, Board President