

Violation Enforcement Resolution for the  
Hillcrest Homeowners Association, Inc

STATE OF TEXAS

COUNTY OF TRAVIS

Pursuant to the Bylaws of the Hillcrest Homeowners Association, Inc (referred to as "Association") and the Declaration of Protective Covenants, the Directors of the Hillcrest Homeowners Association, Inc, a Texas non-profit corporation, consent to the adoption of the following resolution:

Violation Enforcement Policy

WHEREAS:

1. The Board of Directors is empowered to enforce the covenants, conditions and restrictions of the Covenants, Bylaws, and any rules and regulations of the Association.
2. It is the Board's duty to use its best efforts to assure that said enforcement occurs

BE RESOLVED THAT:

1. The Board of Directors hereby adopts this Violation Enforcement Policy to establish equitable policies for the Association in compliance with the Chapter 209 of the Texas Property Code, titled the "Texas Residential Property Owners Protection Act," as it may be amended (the "Act"). To the extent any provision within this policy is in conflict the Act or any other applicable law, such provision shall be modified to comply with the applicable law.
2. All rules of the Association shall be enforced.
3. The Violation Schedule (attached) shall be the Association's policy of enforcement.

## Violation Enforcement Schedule for the Hillcrest Homeowners Association, Inc

### Curable Violations

Violation Procedure	Status	Fine	Action Required
1 <sup>st</sup> Notice: Courtesy Notice	Courtesy	None	10 days to correct
2 <sup>nd</sup> Notice: Continued Violation and intent to issue a fine of \$50 for non-compliance	Non-compliance and no application for extension	None	10 days to correct
3 <sup>rd</sup> Notice: \$50 fine applied and continued violation with intent to issue a fine of \$100 for non-compliance	Non-compliance and no application for extension	\$50	10 days to correct
Final Notice: \$100 fine applied and notice per section 209.006 of the Tx Property Code	Non-compliance and no application for extension	\$100	30 days to correct
The Board of Directors may authorize the use of a 3 <sup>rd</sup> party contractor to cure the violation and/or may authorize the account be sent to the Attorney for further action.	Non-compliance and no application for extension		A contractor will perform maintenance to cure and remedy the violation. The Attorney will work with the owner to correct the violation. Attorney and/or contractor is at owner expense.

### Uncurable Violations

Violation Procedure	Status	Fine	Action Required
1 <sup>st</sup> Report/ Sighting	Notice of applied fine and the intent to assess additional fines for any future occurrences	Minimum of \$50/ Actual fine to be determined by the Board of Directors	Owner must not repeat action or condition.

**Types of Violation:** Section 209.006 of the Texas Property code refers to curable violations, incurable violations, and violations which are considered a threat to public health or safety. These types of violations are addressed below:

- Curable violations are those that are ongoing or otherwise can be remedied by affirmative action.
- Uncurable violations include those that are not of an ongoing nature, involve conditions that otherwise cannot be remedied by affirmative action, and those that pose a threat to public health or safety.
- Violations that is a threat to public health or safety is a violation that could materially affect the physical health or safety of an ordinary resident.

**General Policy:** If the homeowner contacts the management company with the intent to correct a violation and asks for an extension, the management company is authorized to grant an extension if the request is reasonable. If the homeowner does not cure and remedy the violation before the extension period expires, then the Board may immediately refer the violation to the Attorney or hire a contractor to perform the maintenance at the owner's sole expense. Uncurable violation examples include, but are not limited to: shooting fireworks, an act constituting a threat to health or safety, a noise violation that is not ongoing, property damage (including the removal or alternation of landscape), and holding a garage sale or other event prohibited by the dedicatory instruments. Curable violation examples include, but are not limited to: ongoing parking violations, maintenance violations, failing to construct improvements or modifications in accordance with approved plans and specifications, and ongoing noise violations such as a barking dog.

**Contractors:** A contractor used to cure and remedy a violation will be a 3<sup>rd</sup> party and not a member of the Association. Costs may still be the owner's responsibility whether or not the contractor is able to successfully complete the action to cure and remedy a violation.

**Attorney:** It is the sole discretion of the Board of Directors when and if an account is referred to the Attorney for action. The decision to escalate to an Attorney may be based on violation severity, prior violation history, or other factors that may influence the Board of Directors. Once the account is turned over to the Attorney, the Attorney will send the owner a letter of representation and a demand for compliance with the Association's governing documents. If the owner does not respond, the Attorney shall pursue all available legal action to cure/remedy the violation through the court system. If allowable by law and the Association's documents all charges, fees, and court costs shall be the owner's responsibility and shall be charged to the owner's account and subject to the Association's collection policy. If the amount due is not paid, the Association's Attorney shall file a notice of lien.

**Other:** This policy may be adjusted from time to time by the Board of Directors. Owners are advised that they should contact the management company to request the most recent version of this policy, to make payment arrangements, and to ask deed restriction related questions. All notices are sent in compliance with current applicable law.