

EXHIBIT "A"

FINE LEVYING & ENFORCEMENT POLICY

WHEREAS, Texas Property Code Section 209.0061, *et. seq.* requires that all Property Owners Associations which are authorized by the Association's dedicatory instrument to levy a fine shall adopt an enforcement policy regarding the levying of fines by the Association;

WHEREAS, the dedicatory instruments of **WILLOWLAKE HOMEOWNERS ASSOCIATION, INC.**, specifically 9.12, of the Association's Declarations, authorizes the Association to levy fines;

WHEREAS, The Fine Levying & Enforcement Policy is required to include general categories of restrictive covenants for which the association may assess fines, a schedule of fines for each category of violation, and information regarding an Owner's right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the board;

NOW, THEREFORE, the Board of Directors of **WILLOWLAKE HOMEOWNERS ASSOCIATION, INC.** adopts the following Fine Levying & Enforcement Policy:

ARTICLE I. GENERAL CATEGORIES

1.1 Authorization. The Association, pursuant to 9.12 of the Association's Declarations is authorized to levy fines for violations of the Association's dedicatory instruments. All violations fall within one or more of the following general categories, each of which provides a non-exclusive list of example violations.

a. Architectural Control Violations:

- i. Exterior modification without ACC approval
- ii. Setback, building line, or easement violations
- iii. Converting a garage into a living space

b. Landscaping and Lot Maintenance:

- i. Failure to mow, weed, edge, or keep vegetation neatly maintained
- ii. Failure to maintain living vegetation on the Lot (e.g. missing grass, dead trees)
- iii. Failure to maintain adequate drainage

c. Maintenance of Improvements:

- i. Chipped or peeling paint, siding, or trim
- ii. Missing or damaged roof shingles
- iii. Broken or improperly maintained fences

d. Nuisances and Disturbances:

- i. Excessive noise (e.g. loud parties, music)
- ii. Offensive odors emanating from the Lot
- iii. Garage sales, if prohibited

e. Parking & Vehicle Restrictions:

- i. Unauthorized commercial or recreational vehicles
- ii. Inoperative or abandoned vehicles
- iii. Excessive street parking, parking on the grass

f. Trash and Debris:

- i. Improper storage of trash containers
- ii. Accumulation of litter or debris on the Lot

g. Signs and Advertising:

- i. Unauthorized signage, including commercial or time-barred political signs
- ii. Offensive or abusive signage

h. Rental & Leasing Violations:

- i. Violations of existing rental & leasing policies
- ii. Use of Lot for hotel or transient purposes

RP-2024-76661

i. Pet and Animal Violations:

- i. Number, breed, size, and behavior violations
- ii. Failure to clean up pet waste
- iii. Breeding animals / animal husbandry

j. Commercial Use Violations:

- i. Running a business from the Lot
- ii. Storing or maintaining commercial equipment or inventory on the Lot

k. General Usage Restriction Violations:

- i. Oil & Mining operations
- ii. Visual obstructions on corner lots
- iii. Window A/C units

l. Common Area Violations:

- i. Damage to common areas
- ii. Misuse of common areas
- iii. Trespassing upon common areas
- iv. Violation of specific rules regarding common areas

m. Health and Safety Violations

- i. See Article V, *infra*.

ARTICLE II. NOTICES

2.1 Notice of Violation. Prior to suspending an Owner's right to use a common area, filing a suit against an Owner other than a suit to collect a regular or special assessment or foreclose under the Association's lien, charge an Owner for property damage, or levying a fine for a violation of the restrictions or bylaws or rules of the Association, the Association shall provide the Owner with a written notice of and a reasonable period to cure the violation.

The notice shall be sent by verified mail to the Owner at the Owner's last known address as shown on the Association records, and shall:

- a. Describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the Association from the Owner;
- b. Inform the Owner that the Owner is entitled to a reasonable period to cure the violation and avoid the fine or suspension if the violation is curable nature and does not pose a threat to public health or safety.
- c. Inform the Owner that the Owner is entitled to request a hearing on or before the 30th day after the date the notice was mailed to the Owner;
- d. Inform the Owner that they may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act, if the Owner is serving on active military duty; and
- e. Specify the date by which the Owner must cure the violation if the violation is curable and does not pose a threat to public health or safety.

2.2 Reoccurrence of Violations. A Notice of Violation need not be sent if the alleged violator has previously received a Notice of Violation relating to a similar Violation within six (6) months of the occurrence of the current Violation and was given a reasonable opportunity to cure the Violation.

ARTICLE III. SCHEDULE OF FINES

3.1 Standard Fine Amount. Unless otherwise provided herein, or in the Association's governing documents, for each of the above categories of violations fines shall be \$100.00 per violation, per occurrence. Fines for Health and Safety Violations will be assessed at \$150.00 per violation, per occurrence.

3.2 Ongoing Violations. The Association may continue to assess additional fines every month the violation exists, until abated.

ARTICLE IV. HEARINGS

4.1 Written Request for Hearing. Unless otherwise provided by law, and if an Owner is entitled to an opportunity to cure the violation, the Owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the Board of the property Owners' Association.

4.2 Hearing Scheduling. The Association shall hold a hearing under this section not later than the 30th day after the date the Board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The Owner or the Association may make an audio recording of the meeting.

4.3 Supporting Documentation Required. Not later than 10 days before the Association holds a hearing under this section, the Association shall provide to an Owner a packet containing all documents, photographs, and communications relating to the matter the Association intends to introduce at the hearing. If the packet is not received within 10 days, the Owner has the right to a 15-day postponement of the hearing.

4.4 Hearing Procedure. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the Owner. An Owner or the Owner's designated representative is entitled to present the Owner's information and issues relevant to the appeal or dispute.

ARTICLE V: PUBLIC HEALTH AND SAFETY VIOLATIONS

- 5.1 Health & Safety Defined. Pursuant to Tex. Prop. Code § 209.006, the Association is empowered to take special corrective action to resolve any violation of the dedicatory instruments of the Association which materially affect the physical health or safety of an ordinary resident ("Health and Safety Violation").
- 5.2 Specific Examples. For the purposes of the Association and this policy, Health and Safety Violations include, but are not limited to (1) shooting fireworks; (2) a noise violation that is not ongoing; (3) property damage, including the removal or alteration of landscape; (4) holding a garage sale or other event prohibited by a dedicatory instrument; or (5) any other act constituting a threat to health or safety.
- 5.3 Enforcement Methods. For any Health and Safety Violation, the Association may suspend an Owner's right to use a common area, file an injunction suit against an owner, charge an Owner for property damage, or levy a fine.

ARTICLE VI. BOARD AUTHORITY

- 6.1 Board's Authority for Case-by-Case Varied Fines. While the Association shall adhere to the schedule of fines established by this policy, the Board of Directors of the Association also retains the authority to levy fines that may vary on a case-by-case basis. This authority allows the Board of Directors to consider unique circumstances or repeat violations when determining the appropriate fine amount. The Board of Directors shall exercise this discretion judiciously and consistently to maintain fairness and uphold the best interests of the community.

AFTER RECORDING, RETURN TO:

LAMBRIGHT ★ MCKEE
940 Corbindale Rd.
Houston, Texas 77024

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Pages 8
03/05/2024 09:19 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$49.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

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.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.




COUNTY CLERK
HARRIS COUNTY, TEXAS

RP-2024-76661