

Leon County

Christie Wakefield
Leon County Clerk
Centerville, TX

Document Number: 2022-453754

Recorded As : ELECTRONIC RECORDING

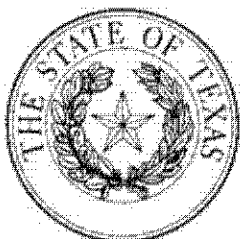
Recorded On: August 29, 2022
Recorded At: 09:56:28 am
Number of Pages: 5
Book-VI/Pg: Bk-OR VI-1905 Pg-210
Recording Fee: \$28.00

Parties:

Direct- PROPERTY OWNERS ASSOC OF HILLT
Indirect- TO THE PUBLIC

Receipt Number: 173264
Processed By: Michelle Duvall

THIS PAGE IS PART OF THE INSTRUMENT



PROPERTY OWNERS ASSOCIATION OF HILLTOP LAKES, INC.

DEED RESTRICTION ENFORCEMENT POLICY

STATE OF TEXAS §
 §
COUNTY OF LEON §

WHEREAS, the Board of Directors of the Property Owners Association of Hilltop Lakes, Inc. (the "Association") is charged, under the terms of the dedicatory instruments governing all sections within the Hilltop Lakes Subdivision, with the responsibility of enforcing all restrictions, conditions, covenants, reservations, liens and charges now or hereinafter imposed by the governing documents regulating the community (the "Governing Documents"); and

WHEREAS, from time to time homeowners violate the restrictions set forth within the Governing Documents and fail to respond to the demands from the Association to place their properties in compliance with the restrictions imposed by the Governing Documents; and

WHEREAS, the Board deems it to be in the best interest of the Association to adopt a uniform and systematic procedure for dealing with the deed restriction violations in a timely manner, so as to ensure restriction compliance by homeowners in an effort to preserve and maintain real estate values throughout the community;

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING PROCEDURES BE ADOPTED:

A. Letters from the Association.

1. Courtesy or First Letter. Upon inspection and observation of a violation, a letter shall be sent by regular mail to notify the property owner (the "Owner") of the violation of the deed restrictions and to request correction of the violation.

In the event that the Association seeks an injunction to prohibit or prevent a violation of the deed restrictions by an Owner, and by doing so is seeking immediate relief to avoid immediate and irreparable harm, the Association may file suit for a temporary or permanent injunction without any further notice to the Owner. If an injunction appears to be a possibility, the Association's legal counsel may send the initial/first letter to the Owner.

2. Chapter 209 Letter. After ten (10) days from the date of the courtesy letter, a subsequent inspection and observation shall be made. If the property is still in violation, a letter, complying with Sec. 209.006 of the Texas Property Code (or any applicable successor statute), shall be sent by certified mail, return receipt requested, to notify the Owner of the failure to remedy the violation and to demand that the property be brought

into compliance.

The Owner will be notified that the Association intends to turn the violation over to the Association's legal counsel for further action if the violation is not corrected.

The Owner will also be advised of the fact that all legal fees and related expenses will be charged back to the Owner if the matter is eventually referred to legal counsel. The Owner will be advised to notify the Association if any extenuating circumstances exist, if additional time is requested to correct the violation or if further information is needed.

The Owner may request a hearing under §209.007, Tex. Prop. Code, on or before the 30th day after the notice was mailed to the Owner.

B. Notice.

1. Notice of the Owner's Address. Each Owner is responsible for notifying the Association, in writing, at all times, of any changes in their mailing address.

2. Returned Notices. Deed Restriction violation enforcement shall not cease solely because notices are returned by the post office.

C. Hearing.

1. If the Owner requests a hearing in writing, the Board of Directors will make arrangements for it to be held no later than thirty (30) days after the date that the Board or the Association receives a written request.

2. The Association will notify the Owner by first class mail at the Owner's last known address of the date, time, and place for the hearing no later than ten (10) days prior to the hearing date.

3. Either party may request a ten (10) day postponement and additional postponements maybe made by agreement of the parties.

4. The Owner or the Association may make an audio recording of the meeting.

5. Not later than ten (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 Association does not provide a packet within the period described above, an owner is entitled to an automatic 15-day postponement of the hearing.

7. 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.

D. Notice and/or Hearing Provisions Do Not Apply to the Following.

1. **Lawsuit Filing.** The Notice and Hearing provisions stated herein will not apply if the Association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action.

2. **Temporary Suspension of Right to Use Common Areas.** Without notice or hearing, the Board may issue an immediate temporary suspension of a person's right to use a common area if the temporary suspension is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension will be in place until the Board makes a final determination on the suspension action after holding a hearing according to the provisions herein.

E. Violations Turned Over to the Attorney.

1. **Board Discretion.** The Board will decide whether the Owner is to be turned over to the Association's attorney. The Board of Directors has the discretion to consider unusual circumstances applying to the Owner.

2. **Attorney Demand Letter.** If the violation is referred to the Association's attorney for a demand letter, the violation will remain on the inspection list until final resolution of the violation. Any and all attorney's fees associated with violation enforcement and collection of the associated fees shall be imposed on the Owner's account and immediately becomes eligible for collection.

F. Forced Maintenance.

As authorized by the Board of Directors, the Association reserves the right to cure the violation, after appropriate notice, and charge the Owner for the cost of such work.

G. Guidelines Only.

This Deed Restriction Enforcement Policy is for the purpose of creating guidelines only and in no way limits or restricts the Association from enforcing its legal rights under Texas law.

CERTIFICATION

This is to certify that the foregoing Deed Restriction Enforcement Policy was duly adopted by a majority of the Board of Directors, at a board meeting duly noticed and held on August 26, 2022.

Date: 8-26-2022

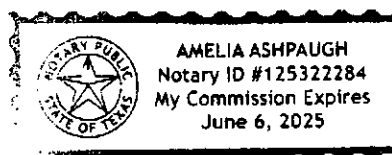
William Johnson
William Johnson, President

STATE OF TEXAS §
 §
COUNTY OF LEON §

This instrument was acknowledged before me on the 26th day of August, 2022 by William Johnson, the President of the Property Owners Association of Hilltop Lakes, Inc., a Texas nonprofit corporation, on behalf of said corporation.

Amelia Ashpaugh
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Barsalou & Associates, P.L.L.C.
4635 Southwest Freeway, Suite 580
Houston, Texas 77027



7140.0150