CROSS MOUNTAIN RANCH HOMEOWNERS ASSOCIATION, INC.
POLICY ON DEED RESTRICTION VIOLATIONS, FEES AND FINES

STATE OF TEXAS §
§ **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF BEXAR §

Summary of Enforcement Policy

1. Send Courtesy Warning Letter
2. Send Violation Notice (in accordance with Section 209.006, Texas Property Code)
3. Levy fines as appropriate.
4. Subsequent Violation Notices (optional.)

The CMR HOA Board may vary from this policy on a case-by-case basis but only to the extent of adjusting the time limit for a cure. Courtesy Warning will have a 30 day expiration and Violation Notice will have a 60 day expiration unless extended by the Board. Fines are standard and will be applied uniformly.

1. **Types of Violations and Acts Covered.** The Board has adopted this policy to address situations where an owner has committed or is responsible for a violation of the Deed Restrictions other than by failing to pay assessments or other sums due to the Association. Delinquency violations are handled by an alternate process.

2. **Violation Notices.**
   i. Courtesy Warning Letter. Upon becoming aware of a deed restriction violation and at the sole option of the Board, the Association may send a Courtesy Warning Letter requesting that the owner cure that violation within 30 days to avoid fines or other enforcement action.

   ii. Violation Notice. If a violation is not cured in response to any Courtesy Warning Letter, the Board, in addition to all other available remedies, may levy a fine. Any such action shall be initiated by sending a Violation Notice to the owner. The Violation Notice shall:
      A. Be in writing and sent via certified mail to the most current owner address shown on the Association's records;
      B. Describe the violation at issue;
      C. State the amount of fine that may be levied against the owner;
      D. If the violation does not pose a threat to public health or safety, and if it can be cured, the owner may cure the violation by a reasonable specific date, and avoid any fine by curing the

violation on or before the cure deadline established by certified letter.

E. Inform the owner that they have the right to request a Board hearing to discuss the enforcement action on or before the 30th day after the notice was mailed to the owner (*see* Section 4 below);

F. Inform the owner that they will be responsible for attorney fees and/or progressive increase in fines in accordance with the standard fine schedule and costs incurred in relation to the violation if the violation continues after a specific date; such fees, fines and costs may be assessed to the owner's account as an Individual Assessment or attached as a lien after a hearing is held or, if a hearing is not requested, after the deadline for requesting a hearing has passed;

G. Inform the owner that they may have special rights or relief related to enforcement under federal law, including the Service Members Civil Relief Act;

iii. **Subsequent Violation Notices** for continuing or repeat violations. If an owner has been sent a Violation Notice for a particular violation and the same violation continues or is committed again within six months of the Violation Notice, the Association may levy additional fines. A Subsequent Violation Notice shall:

A. Be in writing and sent via certified mail to the most current owner address shown on the Association's records;

B. Describe the violation at issue;

C. State the amount of fine that may be levied against the owner;

D. Inform the owner that they have the right to request a Board hearing to discuss the enforcement action on or before the 30th day after the notice was mailed to the owner (*see* Section 6 below);

E. Inform the owner that they will be responsible for attorney fees and/or progressive increase in fines in accordance with the standard fine schedule and costs incurred in relation to the violation if the violation continues after a specific date; such fees, fines and costs may be assessed to the owner's account as an Individual Assessment or attached as a lien after a hearing is held or, if a hearing is not requested, after the deadline for requesting a hearing has passed;

F. Inform the owner that he may have special rights or relief related to enforcement under federal law, including the Service Members Civil Relief Act;

3. **Standard Fine Schedule.** Below is the Standard Fine Schedule for deed restriction violations. *The Board may vary from this schedule on a case-by-case basis but only to the extent of the time allowed to cure the violation.*
   i. Violations.
      A. Courtesy Warning Notice: No Fine: 30 Day Expiration
      B. Violation Notice: $50 fine: 60 Day Expiration
      C. Subsequent Violation Notices: $100 fine that Cross Mountain Ranch increases $50 for each additional month that violation is not cured
      D. Once fines reach a total of $1,000, the issue will be turned over to legal counsel for filing a lien on the owner's Cross Mountain Ranch property, however, progressive accumulation of fines in accordance with the above schedule will continue and will be attached to the aforementioned lien at 12 month increments until violation is cured. Cross Mountain Ranch Treasurer (through Management Company) will be responsible for monitoring the fine remittance and lien filing.

4. **Hearings.** If an owner receives a Violation Notice and requests a hearing in a timely manner, that hearing shall be held in accordance with Section 209.007 of the Texas Property Code. The Board may impose rules of conduct for the hearing and limit the amount of time allotted to an owner to present his or her information to the Board. The Board may either make its decision at the hearing or take the matter under advisement and communicate its decision to the owner at a later date.

5. **Authority of Agents.** All initial enforcement actions taken through the management company, Association attorney or other authorized agents will be at the explicit direction of the Board in every case. The Board reserves the right to make decisions about particular enforcement actions on a case-by-case basis at a properly-noticed meeting if and when it deems appropriate.

6. **Owners as Responsible Party**. If a family member, guest, tenant or invitee of an owner commits a violation of the Association's governing documents, the related enforcement action shall be taken against the owner, with all related fines, legal fees, and other charges levied against that owner and the related lot.

The foregoing Policy was adopted by the Board of Directors of the Association by majority vote at a duly-called meeting of the Board of Directors, as certified by the President and Secretary of the Association below.

Executed this the 26th day of September, 2020.

CROSS MOUNTAIN RANCH HOMEOWNERS ASSOCIATION, INC.

By: _____
John Cairo, President

By: _____
Michelle Price, Secretary

STATE OF TEXAS §
§
COUNTY OF BEXAR §

Before me, the undersigned notary public, on this day personally appeared John Cairo, acting on behalf of Cross Mountain Ranch Homeowners Association, Inc., known to me or proved to me by presentation to me of a governmentally-issued identification card to be one of the persons whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed it for the purposes and consideration expressed in it.

Given under my hand and seal of office the 26th day of September, 2020.

JOSHUA ZARATE
Notary Public, State of Texas
Comm. Expires 04-22-2023
Notary ID 131983157

09-26-2020

_____
Notary Public, State of Texas

STATE OF TEXAS §
§
COUNTY OF BEXAR §

Before me, the undersigned notary public, on this day personally appeared John Cairo Michelle Price acting on behalf of Cross Mountain Ranch Homeowners Association, Inc., known to me or proved to me by presentation to me of a governmentally-issued identification card to be one of the persons whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed it for the purposes and consideration expressed in it.

Given under my hand and seal of office the 26th day of September, 2020.

JOSHUA ZARATE
Notary Public, State of Texas
Comm. Expires 04-22-2023
Notary ID 131983157

09-26-2020

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Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Balentine Design Group, LLC
d/b/a Silverstick
P.O. Box 724
Helotes, TX 778023
6304 0011984703

File Information

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LUCY ADAME-CLARK, BEXAR COUNTY CLERK

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 9/28/2020 3:51 PM

Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk