



b. An owner or tenant may send a written request by letter or EMAIL to the Board requesting an extension to cure the violation(s) if it cannot be corrected within the time specified. The Board may grant a request for extension in writing at its discretion. Any extension granted by telephone or in person must be confirmed by the Board in writing.

3. If no action is taken by the owner to cure the violation or provide the Board with a mitigating reason within the time specified, the Board shall send a letter by certified mail/return receipt, and by first class mail advising the owner and/or tenant that:

a. The owner has the opportunity to request a hearing before the Board of Directors on or before the 30<sup>th</sup> day after the date the owner receives the notice. The owner's request should be in writing. The hearing should be held on or before the 30<sup>th</sup> day after the Board receives the owner's request for a hearing and the Board should notify the owner of the date, time, and place of the hearing not later than the 10<sup>th</sup> day before the date of the hearing. This hearing will provide the owner with an opportunity to discuss and verify facts and resolve the matter prior to a fine being imposed or the matter being sent to the attorney's office;

b. A description of the violation(s);

c. The proposed punitive assessment to be imposed;

d. An invitation to the owner and/or tenant to attend the hearing and produce any evidence or testimony on behalf of the owner/tenant, send a written statement by certified mail/return receipt to the Association's mailing address or hand deliver it to a Board Member, by a specified date in advance of the meeting, containing any evidence or explanation the owner/tenant wishes the Board to consider.

e. Board hearings on violations of the Declarations and rules are held in Executive Session. Proof that notice was sent to the owner or owner's tenant stating the date, time, and location of the hearing is required. A certified mail receipt or a written statement from the officer or Director who mailed or delivered the notice stating the date and manner of delivery, is sufficient proof. Executive Sessions may be recorded to insure accuracy of the proceedings. Executive Session recordings will be destroyed after the period for an appeal is expired and the minutes of the Executive Session are completed and approved.

f. After consideration of all testimonial, written, or other form of evidence, the Board, by majority vote of members present with proxies from absent members, may impose a punitive assessment under the existing Schedule of Residential Fines that accrues as of the day of record for the violation(s) stated in the notice sent to the owner or tenant; impose a punitive assessment but suspend its collection with conditions; grant a temporary or permanent variance for the violation; send a written warning to the owner and tenant; or take no action. Executive Session proceedings will be summarized in minutes filed separately for the privacy of the owner and owner's tenant involved.

g. The owner and tenant, if appropriate, will be advised in writing by certified letter/return receipt, and first class mail, of the Board's decision, within ten days of the completion of the hearing. Notification will state the owner may appeal the Board's decision by a specified date. Appeals must include any new

evidence or mitigating explanation from the owner and/or tenant. Appeals received will be placed on the agenda for the next Board Meeting.

h. If no appeal is received by the time specified, the punitive assessment or other sanction imposed will take effect as stated in the Board's decision, regardless if the violation(s) was abated. The Board may refer the issue to the Association's attorney for further action if the violation(s) are not abated, or if the punitive assessment is not paid by the date specified.

4. The Board may send a certified letter as the first notice of a violation to an owner or tenant should the owner or tenant be deemed a recurring violator. A recurring violator is defined as an owner or owner's tenant who violates the same Article of the Declarations and rules repeatedly within a six (6) month period, or who violates a combination of Articles and rules repeatedly without abating the violations within a six (6) month period.


5. This resolution updates and supersedes Board Resolution **ENFORCEMENT OF DEED RESTRICTIONS** dated 13 May 1997.

These guidelines are effective upon recordation in the Public Records of Galveston County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.011 of the Texas Property Code and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

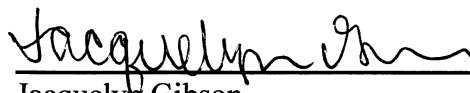
Duly approved and adopted at a meeting held by the Board of Directors of the BOCA RATON HOMEOWNERS' ASSOCIATION, INC., this 3rd day of October, 2013.

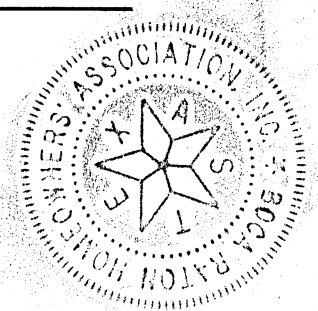
Effective Date: 10 October, 2013.

Signed:

  
\_\_\_\_\_  
Curt Roberts  
President, Board of Directors

Attest:

  
\_\_\_\_\_  
Jacquelyn Gibson  
Secretary, Board of Directors

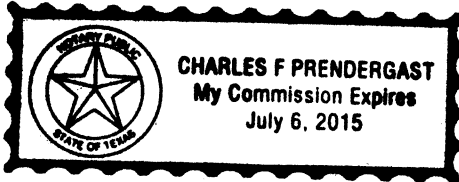


THE STATE OF TEXAS

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COUNTY OF GALVESTON

THIS INSTRUMENT was **acknowledged** before me on this the 5<sup>th</sup> day of October, 2013, by Curt Roberts, President of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



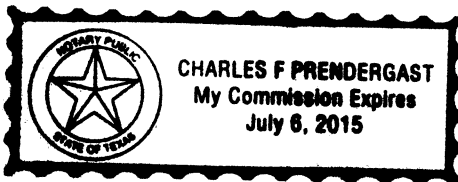
*Charles F. Prendergast*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

THE STATE OF TEXAS

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COUNTY OF GALVESTON

THIS INSTRUMENT was **acknowledged** before me on this the 3<sup>rd</sup> day of October, 2013, by Jacquelyn Gibson, Secretary of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



*Charles F. Prendergast*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

**FILED AND RECORDED**



OFFICIAL PUBLIC RECORDS

*Dwight D. Sullivan* 2013064240

October 10, 2013 10:16:22 AM

FEE: \$33.00

Dwight D. Sullivan, County Clerk  
Galveston County, TEXAS