4 PGS

BOCA RATON HOMEOWNERS' ASSOCIATION, INC.

RESOLUTION REGARDING ENFORCEMENT OF DEED RESTRICTIONS

THE STATE OF TEXAS	§
	§ KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF GALVESTON	§

WHEREAS, the BOCA RATON HOMEOWNERS' ASSOCIATION, INC. (the "Association"), is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (collectively referred to as the "Declarations");

WHEREAS, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision and to implement written enforcement guidelines for the Declarations; and,

WHEREAS, Article VII, Section 1 Enforcement, enjoins each owner and each owner's tenant to strictly comply with all restrictions, covenants and conditions set forth in the Declarations, Articles of Incorporation, By-Laws, and Rules and Regulations (other Governing Documents) of the Association; and the Association and any owner has the right to enforce observance and performance of the Declarations and other Governing Documents, and levy an assessment against any owner or tenant for the willful or negligent failure to comply with any provision of the Declarations or other Governing Documents; and

WHEREAS, the Board of Directors (the "Board") has determined that in connection with maintaining the aesthetics and architectural harmony of the community, and to provide clear and definitive guidance regarding enforcement procedures, it is appropriate for the Association to adopt guidelines regarding the enforcement of the Declarations and Association rules within the community.

NOW, THEREFORE, BE IT RESOLVED THAT the following Guidelines are adopted by the Board of Directors.

- 1. Upon notification and verification of a violation of the Declarations and/or rules, the Board and Officers of the HOA may send a Courtesy letter or EMAIL to the owner and/or the tenant of the address where the violation exists stating the nature of the violation and action required to correct it.
- 2. After ten (10) days, or upon next inspection, if the violation is not abated, the Board may undertake any of the following actions:
- a. A Second Notice letter sent by First Class Mail, or an EMAIL, may be sent to the property owner and/or the tenant stating a punitive assessment under the HOA's Residential Schedule of Fines <u>MAY</u> be imposed back to the day of record for the violation(s) if the violation is not corrected by a specific date.

- 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 30th 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 30th 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 10th 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
Duly approved and adopted at a meeting held by the Board of Directors HOMEOWNERS' ASSOCIATION, INC., this Sed day of Corporn	, 2013.

Effective Date: 10 October, 2013.

Signed:

Curt Roberts

President, Board of Directors

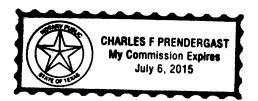
Attest:

Jacquelyn Gibson

Secretary, Board of Directors

THE STATE OF TEXAS	§
	§
COUNTY OF GALVESTON	§

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



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

THE STATE OF TEXAS

§ § 8

COUNTY OF GALVESTON

THIS INSTRUMENT was **acknowledged** before me on this the **2** day of **Octobe**, 2013, by Jacquelyn Gibson, Secretary of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

October 10, 2013 10:16:22 AM

FEE: \$33.00

Dwight D. Sullivan, County Clerk Galveston County, TEXAS

4