



NOTICE OF DEDICATORY INSTRUMENT

(Enforcement Policy)

Declaration of Covenants, Conditions and Restrictions Recorded at Volume 10585, Page 0110, Real Property Records, Travis County, Texas, and all jointers, supplements, and amendments thereto

Association Circle C Homeowners Association, Inc

Subdivision Name Circle C

Pursuant to Texas Property Code §202.006, the Association gives notice that all property subject to the Declaration referenced above is also subject to the following dedicatory instrument

Enforcement Policy, attached as **Exhibit A**,

This dedicatory instrument is complete, correct, and current as of the date of this Notice, but may be amended from time to time

A current copy of the dedicatory instrument can be obtained from the Association's managing agent, Karen Hibshman, 7817 La Crosse Ave, Austin, Texas 78739 or the successor managing agent shown in the most recent management certificate recorded in the County property records

EXECUTED this 28th day of August, 2019

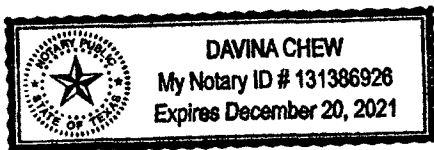
CIRCLE C HOMEOWNERS ASSOCIATION, INC

By Patrice Arnold
Patrice Arnold, attorney in fact

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 28 day of AUGUST, 2019, by Patrice Arnold, attorney in fact for Circle C Homeowners Association, Inc, on behalf of said corporation



Davina Chew
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING RETURN TO:
Arnold & Associates, PC
406 Sterzing St
Austin, Texas 78704

Exhibit A

ENFORCEMENT POLICY

Circle C Homeowners Association, Inc.

August 2019

The Board of Directors adopts the following policy for addressing violations of the governing documents:

A Remedies for Violations.

1. Remedies. This policy applies to all violations of the Declarations, Bylaws, and recorded rules and regulations of the Association (collectively, a Violation) The Board of Directors may respond to a Violation with any of the remedies listed below. The below-listed remedies shall be in addition to any other remedies provided by the Declaration, Bylaws, Rules, Policies, State statute, or other law
 - a. suspend or condition the right of an owner and any tenants, occupants, or guests to use of facilities (including all or part of any common areas) operated or managed by the Association.
 - b. record a notice of non-compliance in the County Official Public Records,
 - c. levy a damage assessment against an owner;
 - d. assess costs of collection or enforcement including manager's and/or attorney's charges against an owner;
 - e. impose a fine a fine against the owner and the owner's lot'
 - f. file a lawsuit to obtain compliance
2. Vicarious liability. Owners are responsible for all Violations of their tenants, guests, invitees, or occupants.
3. Non-Exclusivity. These remedies are cumulative, and may imposed in combination with each other For example, the Board may, for the same Violation, suspend the right to use a common area amenity, impose a fine, and charge manager's or attorney's fees incurred incident to enforcement
4. Curable and Uncurable Violations; Threats to Public Health or Safety. A violation is uncurable if it is not a continuous action or condition capable of being remedied by affirmative action, such as shooting fireworks. Examples of Violations that are curable include parking, maintenance, and unapproved construction A threat to public health or safety means that the violation could materially affect the physical health or safety of a resident.
5. Imposition of Fines. The Board gives standing orders to the managing agent to apply this procedure and, if the Violation is not timely cured, send the first notice If the Violation is not timely cured after the first notice, or if it is uncurable or poses a threat to public health or safety, the Board may impose fines according to the fine schedule set forth below. In setting the fine, the Board may consider all factors it deems relevant, including

the nature of the Violation, its frequency, and effect on neighboring owners and properties.

6. Repeat Violations. The fine for a repeat Violation within 12 months will be higher than the previous violation(s), as shown on the fine schedule
7. Fine Period As a general rule, fines for a discrete incident will be imposed on a per occurrence basis. Fines may be imposed on a daily or weekly basis if the Violation is of continuous or ongoing nature (such as parking a boat or RV in the driveway).
8. Exceptions The Board may depart from the below fine schedule, and impose a fine at a greater or lesser rate, provided that the owner is notified in advance of the amount of the fine and given a reasonable opportunity to avoid it

B. Enforcement Procedure

The following outlines the general enforcement procedure for Violations. Strict compliance is not necessary, as long as the Owner is given fair notice and all statutory conditions for enforcement have been met

1. Courtesy Notice The Association shall mail a courtesy notice letter to the Owner involved that identifies the alleged curable Violation, requests that it be corrected by a specified date, and advises of the remedies the Association can impose if non-compliance continues. This step shall not apply for repeat/recurrent Violations for which a notice was sent within the preceding 6 months, or for violations that are uncurable or threaten public health or safety
2. Formal Notice In the event the Violation is not corrected, or recurs within 6 months after having been corrected, the Association shall give the Owner written notice by verified mail or certified mail, return requested, to Owner's last known address as shown in the Association's records, that:
 - a. describes the Violation and states the remedy to be imposed including amount and beginning date of the fine;
 - b. allows the Owner a reasonable time, by a specified date (which date may be shorter than the cure period allowed in the letter sent pursuant to step 1), to cure the Violation and avoid imposition of the fine or remedy, provided, this provision shall not apply if (i) the owner was given notice and a reasonable opportunity to cure a similar Violation within the preceding 6 months, or (ii) the violation is uncurable or poses a threat to public health or safety;
 - c. states that not later than the 30th days after the date of the notice of Violation, the Owner may request a hearing before the Board to contest the matter;
 - d. advises that the request for a hearing must be in writing and delivered to the Association;

- e. states that attorney's fees and costs will be charged if the Violation continues after the conclusion of the hearing or, if no hearing is requested, after the deadline for requesting a hearing,
- f. includes a provision notifying the owner of special rights/relief available to persons on active military duty, such as the following

If the owner or the owners spouse is serving on active military duty, you may have special rights or relief related to this enforcement action under federal law, including the Servicemembers Civil Relief Act (5 U S C app Section 501 et seq)

- 3. Hearing. Upon receipt of a request for a hearing, the Board shall promptly schedule the hearing and give the owner at least ten days advance written notice (including transmission via email) of the date, time, and place of the hearing.
- 4. Notice of Action. The Association shall notify the owner of the fine, charge, or other remedy imposed within 30 days of its imposition. This notice need not be sent by verified or certified mail.
- 5. Payment. Payment of the fine shall not substitute for, or be in lieu or, correcting the Violation.
- 6. Exemptions. The foregoing procedures do not apply to a lawsuit seeking a temporary restraining order or temporary injunctive relief, or to the collection of regularly scheduled assessments and late fees

C. Fine Schedule. Unless a different fine is set by the Board in the Formal Notice, fines are

- 1. If Violation is not cured within the 30 days of the Formal Notice, or if the Violation is incurable, a fine of \$50 shall be imposed.
- 2. If Violation is not cured within 60 days of the Formal Notice, a fine of \$100 shall be imposed, and shall be re-imposed for every subsequent 30-day period afterwards
- 3. All fines are cumulative
- 4. The fine for a repeat Violation occurring within 12 months will be double the amount of the fines set forth in C1 and C2 above (\$100/\$200).



2019136252

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

Sep 05, 2019 09:56 AM

Fee: \$42.00

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