

9-23-21

**BEXAR COUNTY HIGHLANDS RANCH HOMEOWNERS ASSOCIATION, INC.
ENFORCEMENT POLICY
FOR NOTICE TO OWNER AND HEARING BEFORE THE BOARD**

**STATE OF TEXAS §
 §
COUNTY OF BEXAR §**

Pursuant to Section 209.006 of the Texas Property Code and Section 209.007 of the Texas Property Code, and as required by Article XII, Section 2, of the Declaration of Covenants, Conditions and Restrictions of the Association ("DCCR"), the Board of Directors ("Board") of Bexar County Highlands Ranch Homeowners Association, Inc. ("Association") hereby adopts the following Enforcement Policy for giving notice to an Owner for violations of the governing documents of the Association and for an Owner's right to a hearing before the Board:

I. ENFORCEMENT REMEDIES

Enforcement remedies for violations of the governing documents include those set forth in Section 1 of Article XII, Enforcement, of the DCCR.

II. NOTICE OF ENFORCEMENT ACTION

A. Before the Association may invoke any enforcement remedy against an Owner, it must first give written notice to the Owner by certified mail. The notice must:

1. Describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the Association from the Owner;
2. Unless the Owner has been previously given notice and the opportunity to cure the violation without penalty in the preceding six months, inform the Owner that the Owner:
 - a. Is entitled to a reasonable period to cure the violation and avoid the fine or suspension if the violation is of a curable nature and does not pose a threat to public health or safety;
 - b. May request a hearing on or before the 30th day after the date the notice was mailed to the Owner; and
 - c. May have special rights or relief related to the enforcement remedy under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501, *et seq.*), if the Owner is serving on active military duty;
3. Specify and provide a reasonable date by which the Owner must cure the violation if it is of a curable nature and does not pose a threat to public health or safety; and
4. Be sent by verified mail to the Owner at the Owner's last known address as shown on the Association records. Verified mail means any method of mailing for which evidence of mailing is provided by the United States Postal Service or common carrier.

B. For purposes of Section II.A.2.a. above, a violation is considered:

1. Uncurable if it has occurred but is not a continuous action or a condition not capable of being remedied by affirmative action (some examples of uncurable violations include periodic shooting off fireworks; periodic loud noise nuisance such as music or barking dog).
2. Curable if it occurred and is capable of being remedied by affirmative action (some examples of curable violations include failure to construct improvements in accordance with approved plans; continuous loud noise nuisance).

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2. A threat to public health or safety if it could materially affect the physical health or safety of an ordinary resident.

C. The notice and hearing provisions of this Policy do not apply if: (1) the Association files a suit seeking a temporary restraining order or temporary injunctive relief, (2) files a suit that includes foreclosure as a cause of action, or (3) temporarily suspends a person's right to use common areas 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 is effective until the Board makes a final determination.

III. HEARING BEFORE THE BOARD

A. An Owner has the right to submit a written request for a hearing before the Board to discuss and verify facts and resolve the matter in issue, but only if the Owner is entitled to an opportunity to cure the violation.

B. If a hearing is to be held before a committee appointed by the Board, the notice to the Owner must state that the Owner has the right to appeal the committee's decision to the Board.

C. The Association must hold a hearing not later than the 30th day after the date the Board receives the Owner's request and shall notify the Owner of the date, time, and place not later than the 10th day before the date of the hearing. A postponement may be granted for a period of not more than 10 days if one is requested by either party, but additional postponements may be granted by agreement of the parties.

D. Either party may make an audio recording of the meeting.

E. Not later than 10 days before the hearing is held, the Association shall provide the Owner a packet containing all documents, photographs, and communications relating to the matter the Association intends to introduce at the hearing. If not presented within the 10 days, the Owner is entitled to an automatic 15-day postponement.

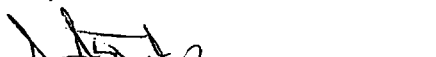
F. During the hearing, Board members of the Association's designated representative shall first present the Association's case against the Owner. An Owner's representative is entitled to present the Owner's information and issues relative to the appeal or dispute.

IV. CERTIFICATION

The foregoing was adopted by majority vote of the Board of Directors of the Association, as certified by the signatures below of the President and Secretary of the Association, to be effective upon this Policy being recorded in the Official Public Records of Bexar County, Texas.

Bexar County Highlands Ranch Homeowners Association, Inc.,
a Texas non-profit corporation, acting by and through its Board of Directors


By: Jo Ann Browne, President

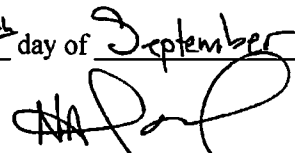

By: Mary Teders, Secretary

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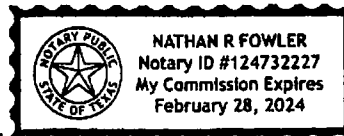
Before me, the undersigned notary public, on this day personally appeared Jo Ann Browne, President of Bexar County Highlands Ranch Homeowners Association, Inc., known to me or proved to me by presentation to me of a governmentally-issued identification card to be the person whose name is subscribed to 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 27th day of September, 2021.



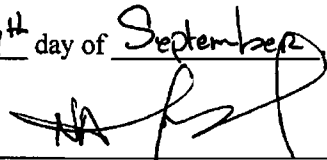
Notary Public, State of Texas

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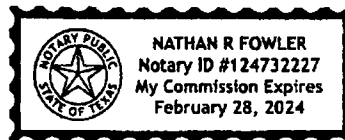


Before me, the undersigned notary public, on this day personally appeared Mary Teders, Secretary of Bexar County Highlands Ranch Homeowners Association, Inc., known to me or proved to me by presentation to me of a governmentally-issued identification card to be the person whose name is subscribed to 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 27th day of September, 2021.



Notary Public, State of Texas



AFTER RECORDING RETURN TO:
Bexar County Highlands Ranch Homeowners Association, Inc.
c/o Diamond Association Management & Consulting
14603 Huebner Rd., Building 40
San Antonio, TX 78300

File Information

**eFILED IN THE OFFICIAL PUBLIC eRECORDS OF BEXAR COUNTY
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: 10/8/2021 8:11 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk