

**GUIDELINES FOR COVENANT VIOLATION HEARINGS for the  
ROYAL RIDGE PATIO HOMES ASSOCIATION, INC.**

STATE OF TEXAS                   §  
  §  
COUNTY OF BEXAR               §

**WHEREAS**, all of the property located in the Royal Ridge Unit VI Subdivision (the “Subdivision”) is subject to that certain Declaration of Covenants, Conditions and Restrictions recorded as Document No. 681627, and as amended, in the Official Public Records of Bexar County, Texas, (the “Declaration”);

**WHEREAS**, in accordance with the Declaration, the Royal Ridge Patio Homes Association, Inc., a Texas nonprofit corporation (the “Association”) was created to administer the terms and provisions of the Declaration. Unless the Declaration or applicable law expressly provides otherwise, the Association acts through a majority of its board of directors (the “Board”);

**WHEREAS**, the Association is empowered to enforce the restrictive covenants, bylaws, or similar instruments governing the administration or operation of the Association (collectively, the “Dedictory Instruments”);

**WHEREAS**, Section 209.007 of the Texas Property Code was added effective September 1, 2021 regarding additional requirements related to an Owner’s request for hearing to discuss and verify facts in an attempt to resolve a curable covenant violation as contemplated by Section 209.006 of the Texas Property Code; and

**WHEREAS**, the Board of the Association desires to hereby establish Guidelines for Covenant Violation Hearings consistent with the provisions of Section 209.007 and to provide clear and definitive guidance to its members.

**NOW THEREFORE**, the Board has duly adopted the following *Guidelines for Covenant Violation Hearings* (the “Guidelines”):

**GUIDELINES FOR COVENANT VIOLATION HEARINGS**

To request a hearing before the Board, the Owner must submit a written request to the Association’s property manager (or to the Board of Directors, if there is no manager) **within 30 days** after the date of the covenant violation notice. The Board shall hold the hearing **not later than the 30th day** after the date the Association receives an Owner’s request for hearing.

The Association shall give the Owner **at least 10 days** advance notice of the date, time, and place of the hearing, and provide a packet to the Owner containing all documents, photographs, and communications related to the matter the Association intends to introduce at the hearing. [Exhibit A – Evidence Packet Checklist].

The Association or the Owner may request **1 postponement** of the hearing, and, if requested, shall be granted for a period of not more than **10 days**. If the Association fails to provide the Owner the evidence packet **at least 10 days** in advance of the hearing, the Owner is entitled to an automatic **15-day postponement** of the hearing. The hearing will be scheduled to provide a reasonable opportunity for both the Board and the Owner to attend. If the Owner or the Owner's designated representative fails to appear for a scheduled hearing, the Board shall proceed with the hearing and consider all documentary evidence provided by the Owner, if any.

Pending the hearing, the Association may continue to exercise its other rights and remedies for the violation, as if the declared violation were valid. The Owner's request for a hearing suspends only the levy of a fine [if applicable].

The hearing will be held in a closed or executive session of the Board. During the hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the owner. An Owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the dispute. At the hearing, the Board should consider the facts and circumstances surrounding the covenant violation.

The Association or the Owner may make an audio recording of the hearing. If either party intends to make an audio recording of the hearing, such party shall so advise the other party prior to the commencement of the audio recording.

The Board may set a reasonable time limit for the hearing, to be determined at the Board's sole and absolute discretion, considering factors, including, but not limited to, the complexity of the issue(s). The time limitation established by the Board will be strictly enforced and is intended to allow both the Association and the Owner ample time to present their respective cases and the volunteer Board's reasonably available time to consider such matters.

The Board is not required to deliberate or reach a determination during the hearing. All information presented at the hearing may be taken under advisement by the Board for future consideration. If no determination or resolution is reached during the hearing, the Association may inform the Owner of the Board's decision in writing within thirty (30) days of the date of the hearing. If there is no such communication from the Association **within thirty (30) days**, the violation shall be deemed to exist.

All parties participating in the hearing are expected to treat each other professionally and respectfully. The Board reserves the right to terminate a hearing if the Board, in its sole and absolute discretion, determines the hearing has become unproductive and/or contentious. Unless otherwise agreed by the Board, each hearing shall be conducted in accordance with the attached hearing agenda. [Exhibit B – Hearing Agenda].

Miscellaneous.

- a. Amendment. These Guidelines may be revoked or amended from time to time by the Board. These Guidelines will remain effective until the Association records an amendment in the Official Public Records of Bexar County, Texas.
- b. Conflict. In the event of any conflict between these Guidelines and any Dedicatory Instrument of the Association, these Guidelines control.
- c. Effective Date. These Guidelines are effective upon recordation in the Official Public Records of Bexar County, Texas.

**EXHIBIT A**

**EVIDENCE PACKET CHECKLIST**

The following items are a non-exhaustive list of materials for the hearing.

**Documents:**

- Declaration (relevant excerpts)
- Bylaws (relevant excerpts)
- Rules and Regulations (relevant excerpts)
- Policies (relevant policies)
- ACC Design Guidelines (relevant excerpts)
- ACC Design Review Procedures (relevant excerpts)
- Board Meeting Minutes wherein violation at issue was discussed

**Photographs or Videos:**

- Covenant Violation
- Damage to Common Area
- Damage to Neighboring Property
- Other relevant photos or videos

**Communications** (including letters, e-mails, facsimiles, text messages, and voice recordings):

- Management Company to Owner
- Owner to Management Company
- Board Member to Owner
- Owner to Board Member
- Neighbor to Management Company re: violation [Redacted]
- Neighbor to Board Member re: violation [Redacted]

**EXHIBIT B**

**HEARING AGENDA**

**Note:** A member of the Board or the Association's designated representative shall act as the Hearing Officer and preside over the hearing. The Hearing Officer will provide introductory remarks and administer the hearing agenda.

**I. Introduction.**

**Hearing Officer:** The Association or the Owner may make an audio recording of the hearing. If either party intends to make an audio recording of the hearing, such party shall so advise the other party at this time. The Board has convened for the purpose of holding a hearing requested by [insert Owner name] related to a covenant violation concerning the property located at [Owner' Property Address].

The hearing is being conducted as required by Section 209.007 of the Texas Property Code, and is an opportunity for the Owner to discuss, verify facts, and resolve the matter at issue. However, after both sides are given a reasonable opportunity to present their case, the Board may elect to take the matter under advisement and conclude the hearing, pursuant to these Guidelines.

**II. Presentation of Facts.**

**Hearing Officer:** This portion of the hearing is to permit a member of the Board or the Association's designated representative to present the Association's case against the Owner and the opportunity to describe the documents, photographs, and communications contained in the packet provided to the Owner. After the Association has finished its presentation, the Owner or the Owner's designated representative will be entitled to present the Owner's information and issues relevant to the dispute. The Board may ask questions during either party's presentation. It is requested that questions by the Owner be held until completion of the presentation by the Association.

[Presentations begin accordingly]

**III. Discussion.**

**Hearing Officer:** This portion of the hearing is to permit the Board and the Owner to discuss factual disputes relevant to the violation. Discussion should be productive and designed to seek, if possible, an acceptable resolution of the dispute.

The Hearing Officer retains the right to conclude this portion of the hearing at any time.

**IV. Resolution.**

**Hearing Officer:** This portion of the hearing is to permit discussion between the Board and the Owner regarding the final terms of resolution, if any.

If no resolution is reached, the Hearing Officer may: (i) request that the Board enter into executive session to discuss the matter; or (ii) request that the Board take the matter under advisement and adjourn the hearing.