## VIOLATION ENFORCEMENT GUIDELINES AND FINES POLICY FOR COPPERBROOK HOMEOWNER'S ASSOCIATION, INC.

In accordance with the Declaration of Covenants, Conditions and Restrictions ("Declarations") for Copperbrook Sections 1-5, filed and recorded in the Harris County Real Property Records at File Nos. R596475, S896706, T346712, T716490, and T470576, the Board of Directors ("Board") of Copperbrook Homeowner's Association, Inc. ("Association") has the authority to enforce restrictions, rules and regulations set out in the Declarations and any amendments thereafter.

The Association previously adopted a policy regarding "Fines for Non-Compliance" as recorded on June 18, 2013, in the Harris County Real Property Records at File No. RP087521164. The Board hereby amends and restates, as applicable, the Association's fine policy and adopts the following guidelines and policies to enforce the Declarations and related rules and regulations. This set of guidelines/policies do not replace the Declarations, and the procedures and fines set forth in this policy are in addition to any other remedy allowed by the Declarations, at law, or in equity.

## 1. Enforcement Actions by Association

The Association has been empowered to charge costs of remedying violations of Declarations against any violators in accordance with Article VII, Section 17 of the Declarations entitled Enforcement of Lot Maintenance. Applicable law similarly allows for enforcement through the imposition of costs and fines subject to the adoption of certain rules and procedures. Accordingly, the following procedures and fine schedule will apply to Owners or Members found violating the Declarations or any applicable rules and regulations:

Notice	Violation Notice*	Fine or Action
1st	Courtesy letter	No fine, sent via regular
		mail
2nd	Warning letter*	Sent via Certified Mail *
3rd	Fee Letter With Charge	Fine \$100, sent via Certified
		Mail
4th and	Fee Letter With Charge	Fine \$200, sent via Certified
subsequent		Mail

\*If the violation is a curable violation, the letter will provide thirty (30) days to correct the violation, and if not corrected the Association will have the authority to enter, or direct a contractor to enter, the property and perform the maintenance or repair at the Owner's expense, which will be applied to the Owner's account. The Association is not liable for trespass if the violation is present at the time the Association or its agents direct or enter the property to perform maintenance or repair on any part of the property due to the violation.

\*If the Board determines a violation is a non-curable violation (hazardous to the health and safety of neighborhood residents) legal action may be initiated without prior notice, and an immediate fine up to \$1,000 may be imposed without prior notice.

Each violation will be considered a separate violation. Owners will be sent notice with each separate violation pursuant to the fining schedule referenced above.

All charges are secured by a continuing lien as set forth in the Declarations for the Association. Failure to pay any charges may result in judicial or nonjudicial proceedings by the Association pursuant to the Declarations.

The first letter is a courtesy letter sent via regular mail or by electronic mail.

The second letter will be sent via certified mail and will warn of a fine if the violation is not cured within thirty (30) days of the date of the letter.

The third letter with fine assessed will be sent via certified mail and will warn of another fine if the violation is not cured within thirty (30) days of the date of the letter. Owners, or their agents, dependents or guests, accused of any violation may refute the fines through a hearing with the Association Board, the Board's appointed representative, or the Association attorney.

The fourth letter with fine assessed will be sent via certified mail and will warn of another fine if the violation is not cured within thirty (30) days of the date of the letter. Owners, or their agents, dependents or guests, accused of any violation may refute the fines through a hearing with the Association Board, the Board's appointed representative, or the Association attorney.

Owners unable to correct the violation within the prescribed thirty (30) days may submit a plan for correction to the Board for consideration. All such submissions or responses, including updates on what is being done to correct the problem or any appeals to the violation, must be submitted in writing (letter, facsimile, or by email).

The procedures set forth above shall in no way preclude the Board from pursuing any other remedies available under the Association governing documents, or under applicable law or in equity, with regard to the enforcement of the Declarations, or other governing documents, such as restricting access and use of any recreational facilities within common areas, or maintaining a lawsuit to restrain or enjoin any breach of the provisions of the Declarations or other applicable rules.

## 2. <u>APPEALS/HEARINGS</u>

If an Owner receives a letter from the Association and disagrees with the violation notice or otherwise wishes to discuss the matter, the Owner may send a written request for a hearing directly to the Association via regular mail to the current management company, Paragon Management, or via electronic mail at copperbrookhoa@gmail.com. The Owner must send a written request for a hearing, either by email, written correspondence, or fax, within 30 days of receiving a violation letter from the Association.

Failure or refusal to retrieve or sign for certified mailings from the Association, either in person or at the United States Post Office, is not grounds for an appeal and will not extend the number of days when an appeal can be submitted to the Association.

A hearing will be held within 30 days from the date the Association or its agents receive a written request for a hearing from an Owner. The Association or its agents will provide the Owner with date, time and place of the hearing at least ten (10) days before date the hearing is scheduled.

A decision by the Board in the appeal hearing is deemed conclusive and is not subject to further appeal, absent formal legal processes. Similarly, a decision by the Board to forego or otherwise waive enforcement actions stemming from a violation or an appeal is not and should not be considered a waiver of any other or any similar violation. Each violation shall be considered separately and each shall require a separate appeal or enforcement without regard to the Board's decision on another violation or appeal. Nothing in this policy or any decision from the Board shall be deemed a waiver of any other legal rights the Association has to remedy violations of the Declarations.

IN WITNESS WHEREOF, this Guidelines and Fines Policy is approved to be effective as of the 16<sup>th</sup> day of June, 2020.

COPPERBROOK HOMEOWNERS ASSOCIATION, INC., a Texas non-profit corporation, acting through its President

Francesca Garcial President

STATE OF TEXAS

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COUNTY OF MONTGOMERY

BEFORE ME on this day, Francesca Garcia, the President of Copperbrook Homeowner's Association, Inc., known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me and executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 16<sup>th</sup> day of June, 2020.

JONATHAN ROACH

JONATHAN ROACH

STATE Comm. Expires 02-13-2022

Notary ID 125512070

Notary Public, State of Texas

RP-2020-264826
# Pages 4
06/19/2020 08:56 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
CHRIS HOLLINS
COUNTY CLERK
Fees \$26.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

COUNTY CLERK HARRIS COUNTY, TEXAS