

Ponderosa Valley Homeowners Association

Violation Enforcement Guidelines and Fines Policy

Revised: January 2024

This document sets forth Ponderosa Valley Homeowner Association's (PVHOA or the Association) policy for imposing disciplinary actions for violations to the PVHOA Governing Documents; namely, the Bylaws and the Covenants, Conditions and Restrictions (CC&R's). These and other Association documents can be found on the official website at www.PonderosaValleyHOA.com. In addition, the Texas statutes governing operation of homeowner's associations can be found online by searching "Texas Property Code Section 209". This document has been prepared to comply with statutes passed by the Texas legislature in 2023 which specify an effective date of January 1, 2024.

AUTHORITY: The PVHOA Board of Directors has the authority under the CC&R's, Article III, Sections 3 and 4, to adopt and establish rules, regulations and policies governing the use of member properties and to take steps necessary for the enforcement of the rules and governing documents.

BOARD OF DIRECTORS RESPONSIBILITY: The Board of Directors is comprised of 5 volunteer members elected by the Association's membership to 2-year terms at the annual meeting held each year in either December or January. The Board is responsible for managing common areas, primarily the neighborhood front entrance off FM 2449, providing administration and enforcing the rules of the governing documents. The Board is not a policing group; it does not "drive the neighborhood" looking for violations. Instead, the Board relies on members to resolve issues member-to-member, neighbor-to-neighbor and only then, if unsuccessful, to file a Complaint with the Board following the Complaint Process found at www.PonderosaValleyHOA.com.

MEMBER RESPONSIBILITY: Each property owner is a member of the Association and responsible for complying with the Governing Documents, amendments, rules and policies of the Association. Members are often the first to observe a violation. The Board encourages members to work to resolve violations individually with their neighbors. Only if unsuccessful should the member initiate a Notice of Violation through the Complaint Process as found at www.PonderosaValleyHOA.com. The Board will then follow-up with the member following the **NOTICE OF VIOLATION PROCESS** as outlined below.

TYPES OF VIOLATIONS: Violations fall into 2 general categories: curable and uncurable. Examples of curable violations include unauthorized parking, signs, odors and dangerous conditions. These are ongoing violations that can be corrected by the member but may be continuous like parking a trailer in the driveway. Examples of uncurable violations include fireworks, noise and law breaking. These violations typically have occurred in the past and, even though they may recur, they are not ongoing or persistent activities.

NOTICE OF VIOLATION PROCESS:

1. Member prepares a Complaint (www.PonderosaValleyHOA.com) and files it with the Board. The Board confirms the governing document provision that has been violated.
2. A courtesy letter is sent to the member, either by first-class mail or an e-mail, explaining the violation and describing the corrective action to be taken. Member will have 15 days from date of notification to cure the violation.
3. If the violation remains unresolved after 15 days, a formal Notice of Violation (NOV) will be sent by certified mail officially notifying the member of the violation, giving the member 30 days to

Ponderosa Valley Homeowners Association

Violation Enforcement Guidelines and Fines Policy

Revised: January 2024

correct the violation and providing the member the opportunity to request a hearing with the Board within 30 days.

4. If the violation has not been corrected at the end of the 30-day period, an invoice will be sent to the member, either by regular mail or an e-mail, in the amount of the fine being assessed.
5. If the violation is not cured within 30 days, a second fine will be assessed. Fines are progressive as shown in the **FINE STRUCTURE** provision.
6. If the violation is not cured additional fines will be assessed every 30 days until the NOV is cured.
7. If any fines remain unpaid, a lien will be filed against the member's property according to the **LIENS** provision.

FINE STRUCTURE: Per Article VIII, Section 8.3, Restricted Activities as outlined in the CC&R's, the following activities are prohibited within the community unless expressly authorized by, and then subject to conditions as may be imposed by, the Board of Directors.

NOTE: A curable first offense is considered the first "fine" month, second offense the second "fine" month, etc. An incurable first offense is considered the first time an offense occurs, second offense the second time an offense occurs, etc.

Violation	1 st offense	2 nd offense	3 rd offense	4 th offense	5 th + offense
Signs	\$50	\$100	\$150	\$200	\$250
Parking	\$50	\$100	\$150	\$200	\$250
Pets	\$50	\$100	\$150	\$200	\$250
Odors	\$50	\$100	\$150	\$200	\$250
Laws	\$1,000	\$1,500	\$2,000	\$2,500	\$2,500
Noxious / Offensive Behavior	\$50	\$100	\$150	\$200	\$250
Burning of Trash	\$250	\$500	\$750	\$1,000	\$1,000
Noises	\$50	\$100	\$150	\$200	\$250
Fireworks	\$250	\$500	\$750	\$1,000	\$1,000
Dumping	\$250	\$500	\$750	\$1,000	\$1,000
Rubbish, Trash and Garbage	\$250	\$500	\$750	\$1,000	\$1,000
Drainage	\$1,000	\$1,500	\$2,000	\$2,500	\$2,500
Subdivision of Lots	\$1,000	\$1,500	\$2,000	\$2,500	\$2,500
Single Family	\$50	\$100	\$150	\$200	\$250
Dangerous Conditions	\$250	\$500	\$750	\$1,000	\$1,000
Business Use	\$1,000	\$1,500	\$2,000	\$2,500	\$2,500
Antenna / Roof Structures	\$50	\$100	\$150	\$200	\$250
Picketing	\$50	\$100	\$150	\$200	\$250

Per Article VIII, Section 8.4, Prohibited Conditions as outlined in the CC&R's, the following are Prohibited Conditions within the community and subject to fines as determined by the Board. Examples of these conditions include: structures that have fallen into disrepair; clotheslines, garbage cans and equipment visible to a neighbor or to the street; any obstruction that limits the view of oncoming traffic; and play equipment, rock gardens or statuary visible to a neighbor or to the street. Please reference Article VIII, Section 8.4 for a complete list of Prohibited Conditions.

Ponderosa Valley Homeowners Association Violation Enforcement Guidelines and Fines Policy

Revised: January 2024

Prohibited Condition	1 st offense	2 nd offense	3 rd offense	4 th offense	5 th offense
All	\$50	\$100	\$150	\$200	\$250

Per Exhibit “B” of the CC&R’s, Master Design Guidelines, Section F, Lot Maintenance: All lots, whether built upon or vacant, must be kept in neat appearance with grass mowed to a length not to exceed 12” after spring flowers have waned.

Lot Maintenance	1 st offense	2 nd offense	3 rd offense	4 th offense	5 th offense
All	\$50	\$100	\$150	\$200	\$250

ANNUAL MEMBER ASSESSMENTS/DUES:

1. Annual member assessments are due January 1st. Members will receive an invoice for annual dues either by regular mail or e-mail. No collection action is taken if dues are paid by January 31st.
2. Reminder invoices will be sent out on March 1st to members who have not paid invoices.
3. If dues are not received by April 1, a late fee of \$25 is assessed. An invoice is prepared including the late fee and sent by either first-class mail or e-mail to delinquent members.
4. If dues are not paid by May 1, finance charges of 18% per annum will be assessed monthly until dues are paid.
5. If dues are not paid by June 1, delinquent member accounts will be turned over to the attorney for collection. Late fees (\$25), finance charges, attorney and collection fees are assessed.
6. If not paid by July 1, a lien will be filed against member property following the **LIENS** process as explained below.

HEARINGS: Members may request a hearing before the Board to discuss or dispute any NOV, assessment, lien or other dispute. It is member’s responsibility to request the meeting by contacting a member of the Board. Contact information can be found on the official PVHOA website at www.PonderosaValleyHOA.com. The Board will coordinate scheduling a mutually agreeable meeting date, time, place and participants within 30 days of the request.

LIENS: Board may in its discretion file a lien against a homeowner’s property for failure to pay fines and/or assessments. Texas Property Code Section 209.0094 defines the process for filing a lien as follows:

1. Before a property owner’s association files an assessment lien, the association must provide notices of delinquency.
2. The first notice of delinquency must be provided by first-class mail to the property owner’s last known mailing address or by e-mail to an e-mail address the property owner has provided to the property owner’s association.
3. A second notice of delinquency must be provided by certified mail, return receipt requested, to the property owner’s last known mailing address but not earlier than 30 days after the first notice of delinquency was sent.
4. A property owner’s association may not file an assessment lien before the 90th day after the date of the second notice of delinquency (150 days after the first notice of delinquency was sent).

Ponderosa Valley Homeowners Association

Violation Enforcement Guidelines and Fines Policy

Revised: January 2024

DUTY OF ENFORCEMENT: Failure by the Board or Association Committee to enforce any provision of the governing documents shall in no event be deemed a waiver of the right to do so thereafter.

AMENDMENT POLICY: As provided in CC&R's, Article III, Sections 3 and 4, the Board may amend this Policy without providing advance notice to the Owners if an amendment is required by law or needed to conform to a particular provision or provisions of this Policy to changes in applicable Texas statutory law. The Ponderosa Valley HOA Association is required to annually notify Association Members of this Policy and maintain a copy of the Policy on the official website at www.PonderosaVallyHOA.com . Member comments, suggestions and complaints are always welcome by the Board.