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AMEND

20161555

STATE OF TEXAS  
COUNTY OF GILLESPIE

§  
§

**2016 AMENDMENT OF RULES AND REGULATIONS  
OF**

**HERITAGE HILL COUNTRY ASSOCIATION, INC.**

*(related to a code of conduct and update to enforcement policy to reflect 2015 legislative changes regarding uncurable violations)*

**Document reference.** Reference is hereby made to that certain Declaration of Covenants, Conditions and Restrictions for Heritage Hill Country, filed as Document No. 985615, Vol. 360 Page 551 in the Real Property Records of Gillespie County, Texas (together with all amendments and supplemental documents thereto, the "**Declaration**").

Reference is further made to the Recordation and Amendment of Rules and Regulations of Heritage Hill Country Association, Inc., filed as an attachment to Document No. 20115176, and to a 2012 rule amendment filed in document no. 20122930, both in the Official Public Records of Gillespie County, Texas (together with all amendments thereto, the "**Rules**").

WHEREAS the Declaration provides that owners of lots subject to the Declaration are automatically made members of Heritage Hill Country Association, Inc. (the "**Association**");

WHEREAS the Association, acting through its board of directors (the "**Board**"), is authorized to adopt and amend rules and regulations governing the property subject to the Declaration and the operations of the Association pursuant to Article VI, Section 1(a) of the Declaration and/or State law, and has previously adopted the Rules;


WHEREAS the Board has voted to adopt the additional Rules attached as Exhibit "A" to supplement the previously adopted rules;

THEREFORE the Rules attached as Exhibits "A" have been, and by these presents are, ADOPTED and APPROVED.

Subject solely to the amendments contained in Exhibits "A", the rules remain in full force and effect.

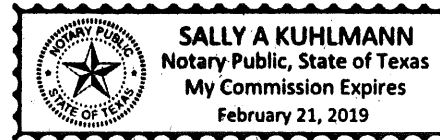
**HERITAGE HILL COUNTRY ASSOCIATION, INC.**

Acting by and through its Board of Directors

Signature:   
Printed Name: Sandra H. Stein  
Title: President

[Notary Block on Following Page]

Acknowledgement



STATE OF TEXAS §

COUNTY OF Hillispie §

This instrument was executed before me on the 8<sup>th</sup> day of March, 2016, by Sandra K Stein in the capacity stated above.

Sally A. Kuhlmann  
Notary Public, State of Texas

## EXHIBIT "A"

### **CODE OF CONDUCT:**

For the benefit of all residents in the interest of having maximum ability of residents to both express their opinions and peaceably enjoy their homes and neighborhood, the board has adopted this rule. Officers, directors, owners, residents, and guests will conduct themselves in a neighborly manner when dealing with the Association's officers, directors, committee members, manager, employees, contractors, agents, and other owners, residents, guests, officers and directors. No person has the right to abuse or unreasonably annoy another or the duty to tolerate unreasonable annoyance or abuse.

1. Prohibited conduct. The following conduct is expressly prohibited in any communication between or among any of the above-described parties:
  - a) photographing or video taping residents or guest in the community without their express consent;
  - b) verbal abuse;
  - c) insults and derogatory name-calling;
  - d) cursing;
  - e) aggressive and/or threatening behavior;
  - f) hostile or unwanted touching/physical contact or threats of physical contact;
  - g) sexual harassment or lewd behavior;
  - h) posting correspondence on the doors of directors and officers;
  - i) correspondence, whether oral, written, or electronic, that is deemed in the board's or manager's sole discretion to be harassing or intimidating (the board and/or manager will consider the tone, time, and frequency of correspondence in determining whether correspondence is harassing or intimidating);
  - j) suggestive language or other language that is likely to be offensive to an ordinary person;
  - k) asking Association or management personnel to perform personal errands;
  - l) noise or other nuisance that unreasonably interferes with a resident's peaceful enjoyment of the community.
2. Requests to leave. Any Owner, resident, guest, director or officer who is requested by the board or managing agent due to actions in violation of this rule to leave the manager's office or an association facility or meeting shall do so immediately.
3. Communication with the Association Manager or Board. The board or manager may in their sole discretion require, upon notice to a resident or owner, that all communication from the resident or owner be in writing. The board may require all communications to be through the management representative only (may prohibit direct communication with directors or officers).

4. Communication from tenants. All communications related to Association matters must come from owners rather than their tenants. The board or manager in their sole discretion may decline to reply to communications from tenants.
5. Association employees/contractors. Owners and residents may not instruct, direct, or supervise the association's or manager's employees, agents, or contractors unless otherwise directed to do so by the board. Owners, residents, and guests may not harass or interfere with the performance of any duties being performed by the Association's or manager's employees, agents, or contractors.

<b>AMENDMENT TO ASSESSMENT COLLECTION AND ENFORCEMENT POLICY TO ADDRESS UNCURABLE VIOLATIONS:</b>
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The Assessment Collection and Enforcement Policy filed of record as document no 20122930 in the Official Public Records of Gillespie County, Texas, is hereby amended to reflect statutory changes effective 9-1-15. Such policy is amended to amend Paragraph 5, "Other (non-assessment) violations" is amended as follows. To the extent of any conflict between the language of this amendment and the language of a prior Rule, the language of this amendment shall control:

**A new subparagraph (f) is added to rule 5 "Other (non-assessment) violations" to read as follows:**

(f) Notwithstanding any language to the contrary herein, uncurable violations shall not require courtesy notice or opportunity to cure. Fines may be levied immediately regardless of whether a board hearing is requested. All notices of such violations shall be sent in accordance with Texas Property Code Ch. 209.

Curable violations are those that are ongoing or otherwise can be remedied by affirmative action. The following is a non-exhaustive list of curable violations: ongoing parking violations; maintenance violations; failing to construct improvements or modifications in accordance with approved plans and specifications; and ongoing noise violations such as a barking dog. *See Assessment Collection and Enforcement Policy filed of record as document no 20122930 in the Official Public Records of Gillespie County, Texas for the standard fine schedule for curable violations.*

Uncurable violations include those that are not of an ongoing nature, involve conditions that otherwise cannot be remedied by affirmative action, and those that pose a threat to public health or safety. The following is a non-exhaustive list of uncurable violations: shooting fireworks, committing a noise violation that is not ongoing, damaging common area property, violating the code of conduct policy, and holding a prohibited gathering.

Below is the Standard Fine Schedule for uncurable deed restriction violations. *The Board may vary from this schedule on a case-by-case basis (i.e., set fines higher or lower than*

*indicated below). The Board also may change the fine amounts in this Standard Fine Schedule at any time by resolution, with no need to formally amend this Enforcement Policy. If a violation falls within more than one category (for example an uncurable pool-related violation), the manager or board may determine in either of their discretion which fine schedule to apply to the violation.*

Uncurable Violations.

- a. First violation of a certain character:       \$50.00 fine; or  
Property damage assessment.
- b. Subsequent Violation(s) of a similar character:     \$75.00 fine;  
  \$100.00 fine;  
  \$125.00 fine;  
  (Increases \$25.00 for each  
  additional notice).

**After recording, please return to:**

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1122 Colorado Street  
Austin, Texas 78701

File Server:CLIENTS:HeritageHillCountry:RuleAmendCodeofConduct2-16.docx

FILED AND RECORDED  
OFFICIAL PUBLIC RECORDS

*Mary Lynn Rusche*

Mary Lynn Rusche, County Clerk  
Gillespie County, Texas

March 28, 2016 11:58:23 AM

FEE: \$36.00 BCRENWELGE 20161555  
AMEND

