

## Amended Covenant Enforcement and Fine Policy

After receiving a complaint from a property owner(s) and upon confirmation of a violation by and Executive Committee member or an agent for the Board, absent special circumstances, the Association will adhere to the following procedure for the imposition of fines for violations:

1. **A Warning Notice** will be sent to the property owner specifying the violation and requesting correction in a reasonable amount of time as determined by the LBEC.
2. **Second Notice** will be sent if violation continues beyond the time specified in the Warning Notice. Again, the violation will be specified and a reasonable amount of time to cure said violation will be allowed.
3. **A Fine Hearing Notice** will be sent after the curative period for the Second Notice has lapsed and the violation has not been corrected. The notice will be sent via “Registered Mail, Return Receipt Requested”. The fine amount will be included, as well as the notification of the owner’s right to a hearing before the LBEC under Chapter 209 of the Texas Property Code. This notice will also inform the owner that the attorney’s fees and reasonable costs associated with collecting the fines may accrue to the property owner’s account beginning on the thirty-first (31<sup>st</sup>) day after this notice is received by the owner.
4. **For Subsequent Violations of the same type, occurring within six months.** Only a Fine/Hearing notice will be sent and the owner will not be given additional time to cure the violation. The fine will be immediate.
5. **Referral to Legal Counsel.** Where a violation is perceived to exist and the LBEC deems it in the best interest of the Association to refer the matter to legal counsel for appropriate action, the LBEC may do so at any time.
6. **Urgent Need Exception.** Where a violation is perceived to pose imminent danger to residents of Lazy Bend, the LBEC may forego the Warning and Second Notice, as well as immediately contact any governmental body, which may have an interest.
7. **Any changes to this policy must be submitted to the Association members for approval and the Policy must be reapproved every two (2) years.**

Note: Fines will be “continuing” and assessed to the homeowner in accordance with the attached Schedule of Fines until the violation is cured.

**Lazy Bend HOA Schedule of Fines  
(No fine imposed before third notice)**

| Violation  | 31 Days After<br><u>3<sup>rd</sup> Notice</u> | 2 <sup>nd</sup><br><u>Subsequent<br/>Violations</u> |
|--|---|---|
| <b><u>(1)</u></b>  |   |   |
| <b><u>ACC Violations</u></b>   |   |   |
| Building, Constructing or Erecting without ACC Approval                        | \$250/week                                    | \$250/week  |
| Any property use violation   | \$250/week                                    | \$250/week  |
| <b><u>Canal Use Violation</u></b>  |   |   |
| Guest boat over 30 days per year   | \$200/week                                    | \$200/week  |
| Vessel beam exceeds 15 feet  | \$200/week                                    | \$200/week  |
| Total length of boats at dock > property canal frontage                        | \$200/week                                    |   |
| \$200/week   |   |   |
| <b><u>Parking/Storage</u></b>  |   |   |
| Parking of trucks, trailers, campers on street week                            | \$25/week                                     | \$25/   |
| Storage of abandoned, inoperable, or unregistered vehicles week in public view | \$25/week                                     | \$25/   |
| <b><u>Property Maintenance</u></b>   |   |   |
| Excessive high grass, weeds, foliage trimmings, week underbrush on property*   | \$25/week                                     | \$25/   |
| Lot untidy in appearance or unclean due to nature week of stored items         | \$25/week                                     | \$25/   |
| <b><u>Other</u></b>  |   |   |
| Failure to maintain bulkhead (after 60 days until signed contract)             | \$50/week                                     |   |
| Failure to pay Special Assessments within 30 days of due date                  |   | 10% per month                                       |

(1) Within six-month period

(2) \*LBA reserves the right to have mowing done and charge the cost to the property owner in addition to the fine