

STATE OF TEXAS §

COUNTY OF WILLIAMSON §

**ENFORCEMENT POLICY**  
**THE VILLAS OF KATY CROSSING OWNERS' ASSOCIATION, INC.**

**Declaration:** Declaration of Covenants, Conditions and Restrictions recorded as Document 199742638, Official Records, Williamson County, Texas, and all amendments and supplements thereto

The Board of Directors of The Villas of Katy Crossing Owners Association, Inc. has adopted the Enforcement Policy attached as Exhibit "A". The Enforcement Policy shall be effective immediately upon recording in the Official Public Records of Williamson County, Texas

Signed this 20 day of April, 2023.

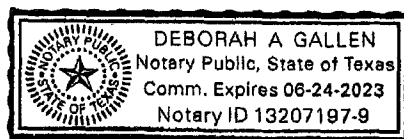
THE VILLAS OF KATY CROSSING  
OWNERS ASSOCIATION, INC.

By: Kim Todd  
Printed name: KIM TODD  
Title: Property Manager

Attachments: Exhibit "A" Enforcement Policy

STATE OF TEXAS  
COUNTY OF WILLIAMSON

Acknowledged before me on the 20<sup>th</sup> day of April, 2023, by Kim Todd, in the representative capacity for The Villas of Katy Crossing Owners Association, Inc. shown above, on behalf of said corporation.



Deborah A. Gallen  
NOTARY PUBLIC FOR TEXAS  
(Place stamp in space at left)

AFTER RECORDING RETURN TO:  
Niemann and Heyer, LLP  
1122 Colorado St., Suite 313  
Austin, Texas 78701

## Exhibit "A"

### ENFORCEMENT POLICY

#### A. Remedies for Violations.

1. Remedies. This policy applies to all violations of the Declaration, Bylaws, and recorded rules and regulations of the Association (collectively, a **Violation**). The Board of Directors may respond to a Violation with any of the remedies listed below. The below-listed remedies shall be in addition to any other remedies provided by the Declaration, Bylaws, State statute, or other law:
  - a. record a notice of non-compliance in the County Official Public Records;
  - b. levy a damage assessment against an owner;
  - c. impose costs of collection or enforcement (including manager's and/or attorney's charges) against an owner; and
  - d. assess a fine against the owner and the owner's lot.
2. Vicarious Liability. Owners are responsible for all Violations of their tenants, guests, invitees, or occupants.
3. Administrative Fee. The Association may charge an administrative fee of not more than \$35 per notice to defray the time and cost of processing violation notices.
4. Non-Exclusivity. These remedies are cumulative, and may be imposed in combination with each other. For example, the Board may, for the same Violation, suspend the right to use a common area amenity, impose a fine, and charge manager's or attorney's fees incurred incident to enforcement.
5. Curable and Uncurable Violations; Threats to Public Health or Safety. A violation is uncurable if it has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. Violations that are incurable include: shooting fireworks, noise that is not ongoing, holding a garage sale or other event prohibited by the Declaration. Violations that are curable include parking, maintenance, failure to perform construction in accordance with approved plans and specifications, and an ongoing noise violation, such as a barking dog. A threat to public health or safety means that the violation could materially affect the physical health or safety of an ordinary resident.
6. Imposition of Fines. The Board gives standing orders to the managing agent to apply this procedure and, if the Violation is not timely cured, send the first notice. If the Violation is not timely cured after the first notice, or if it is uncurable or poses a threat to public health or safety, the Board may impose fines according to the fine schedule set forth below. If the Violation is not within one of the categories shown on the schedule, the Board will set the fine in its reasonable discretion. In setting the fine, the Board may consider all factors it deems relevant, including the nature of the Violation, its frequency, and effect on neighboring owners and properties.
7. Repeat Violations. The fine for a repeat Violation within 12 months will be higher than for the previous violation(s), as shown on the fine schedule.

8. Fine Period. As a general rule, fines for a discrete incident will be imposed on a per occurrence basis. Fines will be imposed on a daily or weekly basis if the Violation is of a continuous or ongoing nature.
9. Exceptions. The Board may depart from the foregoing guidelines and impose a fine at a greater rate, provided that the owner is notified in advance of the amount of the fine and given a reasonable opportunity to avoid it.

## **B. Enforcement Procedure**

The following outlines the general enforcement procedure for Violations. Strict compliance is not necessary, as long as the Owner is given fair notice and all statutory conditions for enforcement have been met.

1. Courtesy Notice. The Association may, but need not, mail a courtesy notice letter to the Owner involved that identifies the alleged Violation, requests that it be corrected within a specified time, and advises of the remedies the Association can impose if non-compliance continues. This step shall not apply for repeat/recurrent Violations for which a notice was sent within the preceding 6 months, or for violations that are incurable or threaten public health or safety.
2. Formal Notice. The Association shall give the Owner written notice by verified mail or certified mail, return receipt requested, to Owner's last known address as shown in the Association's records, that:
  - a. describes the Violation and states the remedy to be imposed, including amount and beginning date of the fine;
  - b. allows the Owner a reasonable time, by a specified date (which date may be shorter than the cure period allowed in the letter sent pursuant to step 1), to cure the Violation and avoid imposition of the fine or remedy; provided, this provision shall not apply if (i) the Owner was given certified mail notice and a reasonable opportunity to cure a similar Violation within the preceding 6 months, or (ii) the violation is incurable or poses a threat to public health or safety;
  - c. states that not later than the 30th day after the date of the notice of Violation, the Owner may request a hearing before the Board to contest the matter;
  - d. advises that the request for hearing must be in writing and delivered to the Association;
  - e. states that attorney's fees and costs will be charged if the Violation continues after the conclusion of the hearing or, if no hearing is requested, after the deadline for requesting a hearing;
  - f. includes a provision notifying owner of special rights/relief available to persons on active military duty, such as the following:

If you or your spouse is serving on active military duty, you may have special rights or relief related to this enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. app Section 501 *et seq*).

3. Notice of Hearing. Upon receipt of a request for a hearing, the Board shall promptly schedule the

hearing and give the owner at least ten days' advance written notice (including transmission via email) of the date, time, and place of the hearing. At least ten days before the hearing, the Association must provide to the owner all documents, photographs, and communications the Association intends to introduce at the hearing. If the Association fails to provide this information at least ten days before the hearing, the owner is entitled to an automatic 15-day postponement.

4. **Hearing.** The Association's designated representative shall first present the Association's case. The owner or designated representative shall then present the owner's position, provided that the information presented by both sides shall be confined to issues relevant to the dispute or appeal. The Board may set a reasonable time limit for the hearing.
5. **Notice of Action.** The Association shall notify the owner of the fine, assessment, or other remedy imposed within 30 days of its imposition. This notice need not be sent by verified or certified mail.
6. **Payment.** Payment of the fine shall not substitute for, or be in lieu of, correcting the Violation.
7. **Exemptions.** The foregoing procedures do not apply to a lawsuit seeking a temporary restraining order or temporary injunctive relief, or to the collection of regularly scheduled assessments and late fees.

**C. Fine Schedule.** Unless a different fine is set by the Board in the Formal Notice, fines are:

|  | 1 <sup>st</sup><br>Offense | 2 <sup>nd</sup><br>Offense | 3 <sup>rd</sup><br>Offense |
|--|----------------------------|----------------------------|----------------------------|
| Unauthorized/unapproved construction   | \$500                      | \$750                      | \$1,000                    |
| Unauthorized/unapproved changes to existing improvements   | \$500                      | \$750                      | \$1,000                    |
| Violation of safety rules and restrictions ( <i>such as glass fireworks</i> )  | \$75                       | \$150                      | \$250                      |
| Violation of usage rules and restrictions ( <i>such as vehicle parking, signage, trash, noise, nuisance, etc.</i> )  | \$75                       | \$150                      | \$250                      |
| Violation of maintenance rules and restrictions ( <i>such as landscape maintenance, failure to make repairs, deteriorating paint, woodwork/roofing, etc.</i> ) | \$25                       | \$100                      | \$200                      |
| Violation of minimum lease term  | \$500 per day              |                            |                            |

**ELECTRONICALLY RECORDED  
OFFICIAL PUBLIC RECORDS**

**2023033382**

Pages: 5 Fee: \$38.00

04/27/2023 11:21 AM

MBARRICK



*Nancy E. Rister*

Nancy E. Rister, County Clerk  
Williamson County, Texas