

1004

STATE OF TEXAS	§	RESOLUTION ADOPTING FINE
	§	AND ENFORCEMENT POLICY FOR
	§	TWISTED CREEK RANCH
COUNTY OF COMANCHE	§	PROPERTY OWNERS' ASSOCIATION, INC.

**RESOLUTION OF THE BOARD OF DIRECTORS OF  
TWISTED CREEK RANCH PROPERTY OWNERS' ASSOCIATION, INC.  
REGARDING FINE AND ENFORCEMENT POLICY**

Pursuant to Section 209.0061, Texas Property Code, Twisted Creek Ranch Property Owners' Association, Inc., hereinafter referred to as "Association", acting by and through its Board of Directors, has adopted the following fine and enforcement policy to set forth its policy for levying fines, to-wit:

**1. Schedule of fines.**

Assess a charge of \$50.00 per day (against any Tract Owner and/or his Tract until the violating condition is corrected. Said amount to be increased as set forth in Section 7.11 of the Declarations.

**2. Board's authority to grant variance on fines.**

The Board is granted the authority to adopt and assess a lower fine amount on a case by case basis after considering all the facts of the violation. Any fine can be increased up to the amount in Section 8.11 of the Declarations for repeat offenses.

**3. General categories of restrictive covenants for which the Association may assess fines:**

A. Building violations, for instance:

- a. Failure to apply and receive approval from the Architectural Control Committee.
- b. Failure to meet minimum square footage.
- c. Failure to adhere to timeline for construction.
- d. Failure to adhere to the limit on structures.
- e. Failure to have approval of exterior color scheme.
- f. Failure to have approval for walls, fences or light posts.
- g. Improvements improperly placed within a setback area or in a utility easement.

B. Storage violations, for instance:

- a. Improper use of RV's.
- b. Improper storage of all boats, travel trailers and RV's or any other equipment listed in the Declarations.

C. Prohibited Items on the Tract, for instance:

- a. Mobile homes, manufactured homes and modular homes.
- b. No junk cars, abandoned cars or scrap, trash, landscaping trimmings or other debris, or anything else determined under Section 2.06 of the Declarations.
- c. Animals that do not comply with the Animal requirements set forth in Section 2.07 of the Declarations.
- d. Improper signs.
- e. Commercial activity on the Tract.
- f. Nuisance activity.
- g. Improper water well or irrigation system.

D. Miscellaneous:

- a. Failure to use the Tract for only single family residential purposes.
- b. Violating the provision on short term rentals.
- c. Improper renting of a portion of a Tract.
- d. Failure to maintain fences and gates.
- e. Improper removal of the perimeter fencing.
- f. Violating any rule or regulation of the Association.

**4. Information regarding hearings described by Section 209.007 of the Texas Property Code.**

- A. Except as provided by subsections (C) and (D) below, and only if the Owner is entitled to an opportunity to cure the violation, the Owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the Board.
- B. The Association shall hold a hearing not later than the 30th day after the date the Board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The Owner or the Association may make an audio recording of the meeting.
- C. The notice and hearing provisions of Section 209.006 and Section 209.007 of the Texas Property Code do not apply if the Association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action. If a suit is filed relating to a matter to which those sections apply, a party to the suit may file a motion to compel mediation.
- D. The notice and hearing provisions of Section 209.006 and Section 209.007 of the Texas Property Code do not apply to a temporary suspension of an Owner's right to use Common Areas if the temporary suspension is the result of a violation that occurred in a Common Area and involved a significant and immediate risk of harm to

others in the Subdivision. The temporary suspension is effective until the Board makes a final determination on the suspension action after following the procedures prescribed by this section.

- E. An Owner or the Association may use alternative dispute resolution services.
- F. Not later than 10 days before the Association holds a hearing under this section, the Association shall provide to an Owner a packet containing all documents, photographs, and communications relating to the matter the Association intends to introduce at the hearing.
- G. If an Association does not provide a packet within the period described by subsection (F), an Owner is entitled to an automatic 15-day postponement of the hearing.
- H. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the Owner. An Owner or the Owner's designated representative is entitled to present the Owner's information and issues relevant to the appeal or dispute.

## **5. Notice to Members:**

The Association shall:

- A. Provide a copy of this Policy to an Owner of a Lot in the Subdivision by:
  - a. posting the policy on an Internet website maintained by the Association or an agent acting on behalf of the Association and accessible to Members of the Association; or
  - b. annually sending a copy of the policy, separately or included in routine communication from the Association to Members, by:
    - i. hand delivery to the Owner;
    - ii. first class mail to the Owner's last known mailing address; or
    - iii. e-mail to an e-mail address provided to the Association by the Owner.
- B. Make the policy available on any publicly accessible Internet website maintained by the Association or an agent acting on behalf of the Association.

## **6. Owner's Liability.**

An Owner is liable for any fines levied by the Association for violations by the Owner, any lessees, or the Owner or lessees' family, guests, employees, agents or contractors. Regardless of who performs the violation, the Association will direct its communications to the Owner.

## **7. Definitions.**

Any words not defined in this Policy shall have the same meaning assigned in the Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Twisted Creek Ranch Subdivision filed of record under Instrument No. 719 of the Official Records of the Comanche County Clerk, Comanche County, Texas ("Declarations").

By their signatures below the President and the Secretary of the Association certify that the foregoing resolution was approved by the Board of Directors of the Association at a duly-called meeting of the Board of Directors at which a quorum of Directors was present.

PASSED, ADOPTED AND APPROVED on this the 8<sup>th</sup> day of May 2024.

[signatures follow on next page]

**TWISTED CREEK RANCH PROPERTY OWNERS'  
ASSOCIATION, INC.**

By:   
David De La Rosa, President

ATTEST:

By:   
Michael Kitchens, Secretary

**THE STATE OF TEXAS**

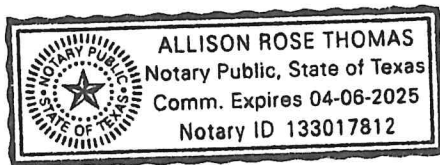
**COUNTY OF** Coryell


§  
§  
§

**CERTIFICATE OF ACKNOWLEDGMENT**

Before me, the undersigned Notary Public, on this day personally appeared David De La Rosa who is personally known to me (or proved to me through a federal or state issued ID with photo and signature of person identified) to be the person whose name is subscribed to the foregoing instrument, and who has acknowledged to me that he is the President of Twisted Creek Ranch Property Owners' Association, Inc. and that by authority duly given and as the act of Twisted Creek Ranch Property Owners' Association, Inc. executed the instrument for the purposes and considerations expressed.

Given under my hand and seal of office on this the 8<sup>th</sup> day of May 2024.



  
Notary Public in and for The State of Texas

AFTER RECORDING, RETURN TO:

Twisted Creek Ranch Property Owners' Association, Inc.  
c/o David De La Rosa  
128 Wichita Trail  
Georgetown, Texas 78633

FILED FOR RECORD  
MAY 10 2024  
CLOCK

FILED FOR RECORD  
AT 12:00 O'CLOCK P M

MAY 8 2024

*Ruby Lesley*  
Clerk, County Court Comanche Co., Texas

P.O. Box 155  
Evant, TX 76525

⑤41 Twisted Creek  
Ranch

FILED

AT 12:00 O'CLOCK P M  
ON THE 8<sup>th</sup> DAY OF May  
A.D. 2024.

*Ruby Lesley*  
COUNTY CLERK, COMANCHE CO. TEXAS  
BY *Siwana Cotton*  
DEPUTY

STATE OF TEXAS  
COUNTY OF COMANCHE

I hereby certify that this instrument was FILED  
on the date and at the time stamped hereon by  
me and was duly RECORDED in the Volume and  
Page of the *Deed*  
Records of Comanche County, Texas.



*Ruby Lesley*  
County Clerk, Comanche Co., Texas

VOL. 1142 PAGE 164  
RECORDED 05-09-2024