

204432

AMENDED RESOLUTION OF THE BOARD OF DIRECTORS OF
HARBOR POINT PROPERTY OWNERS ASSOCIATION
CONCERNING ENFORCEMENT ACTION

The Board of Directors (the "Board") of the HARBOR POINT PROPERTY OWNERS ASSOCIATION (The "ASSOCIATION"), at a meeting of the Board on July 1, 2025, at which a quorum of the Directors were present as required by the Bylaws of the Association, and after consideration, motion and vote, adopted by unanimous vote of the directors present, the following resolution concerning enforcement action under Section 209.006, 209.0061, 209.0062 and 209.007 of the State of Texas Property Code within the Harbor Point Subdivision. This resolution superseded the resolution concerning enforcement dated November 7, 2023.

RESOLVED that the Association's formal policy as to the enforcement of published Deed Restrictions, Board Resolutions and rules of the Harbor Point Subdivision shall be as follows:

In the case of curable violations the Director of the section where the violation occurs shall informally notify the property owner of the impending action under Sec 209 of the Texas Property Code.

This informal notification may occur by regular mail, e-mail or telephone (if by telephone a note of the date, time and a summary of the discussion and date of impending action unless the specific violation is cured by the owner).

Sec. 209.006. NOTICE REQUIRED BEFORE ENFORCEMENT ACTION.

- 1) Before a property owners' association may suspend an owner's right to use a common area, file a suit against an owner other than a suit to collect a regular or special assessment or foreclose under an association's lien, charge an owner for property damage, or levy a fine for a violation of the restrictions or bylaws or rules of the association, or report any delinquency of an owner to a credit reporting service, the association or its agent must give written notice to the owner by certified mail.
- 2) The notice must:
 - a) describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the association from the owner;
 - b) except as provided by Subsection (4), inform the owner that the owner:
 - i) is entitled to a reasonable period to cure the violation and avoid the fine or suspension if the violation is of a curable nature and does not pose a threat to public health or safety;
 - ii) may request a hearing under Section 209.007 on or before the 30th day after the date the notice was mailed to the owner; and
 - iii) may have special rights or relief related to the enforcement action under federal law, including the Service members Civil Relief Act (50 U.S.C. App. Section 501 et seq.), if the owner is serving on active military duty;
 - c) specify the date by which the owner must cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety; and
 - d) be sent by verified mail to the owner at the owner's last known address as shown on the association records.
- 3) The date specified in the notice under Subsection 2 (c) must provide a reasonable period to cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety.
- 4) Subsections 1 and 2 do not apply to a violation for which the owner has been previously given notice under this section and the opportunity to exercise any rights available under this section in the preceding six months.
- 5) If the owner cures the violation before the expiration of the period for cure described by Subsection 3, a fine may not be assessed for the violation.
- 6) For purposes of this section, a violation is considered a threat to public health or safety if the violation could materially affect the physical health or safety of an ordinary resident.
- 7) For purposes of this section, a violation is considered incurable if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action.

For purposes of this subsection, the non-repetition of a one-time violation or other violation that is not ongoing is not considered an adequate remedy.

8) The following are examples of acts considered non-curable for purposes of this section:

- a) shooting fireworks;
- b) an act constituting a threat to health or safety;
- c) a noise violation that is not ongoing;
- d) property damage, including the removal or alteration of landscape; and
- e) holding a garage sale or other event prohibited by a dedicatory instrument.

9) The following are examples of acts considered curable for purposes of this section:

- a) a parking violation;
- b) a maintenance violation;
- c) the failure to construct improvements or modifications in accordance with approved plans and specifications; and
- d) an ongoing noise violation such as a barking dog.

Added by Acts 2001, 77th Leg., ch. 926, Sec. 1, eff. Jan. 1, 2002.

Amended by: Acts 2011, 82nd Leg., R.S., Ch. 252 (H.B. 1127), Sec. 3, eff. January 1, 2012.

Acts 2015, 84th Leg., R.S., Ch. 118 3 (S.B. 1168), Sec. 17, eff. September 1, 2015.

Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 14, Eff. September 1, 2021.

Effective January 01, 2024

Section 209.0061. ASSOCIATION POLICY/ FINES.

10) A property owner's association board shall adopt an enforcement policy regarding levying of fines by the property owners' association. The policy must include:

- a. general categories of restrictive covenants for which the association may assess fines;
- b. a schedule of fines for each category of violation; and
- c. Information regarding hearings described in Section 209.007.

11) The enforcement policy adopted pursuant to Subsection (10) above may reserve the board's authority to levy a fine from the schedule of fines that varies on a case-by-case basis.

12) Each property owners' association shall:

- a) Provide a copy of the policy to an owner of each property in the subdivision by:
 - i) Make the policy
 - ii) posting the policy on an Internet website maintained by the property owners' association or an agent acting on behalf of the association and accessible to members of the association; or
 - iii) annually sending a copy of the policy as follows: separately or included in routine communication from the property owners' association to property owners, by:
 - (1) hand delivery to the owner;
 - (2) first class mail to the owner's last known mailing address; or
 - (3) e-mail to and e-mail address provided to the property owners' association by the owner; and
 - (4) make the policy available on any publicly accessible Internet website maintained by the property owner's association or an agent action on behalf of the association.

Added by Acts 2023, 88th Leg., R.S. Ch. 666 (H.B. 614), Sec. 1, eff. January 1, 2024.

13) Curable Deed Restriction Violations - The following procedures shall be utilized when enforcement action is indicated:

- a) A certified letter from the Director clearly stating the violation with reference to said restriction IE: Para. # and notice of 30 days to correct.
 - b) If property owner appeals to the Board of Directors and the appeal is denied, the 30 Day to correct date is reset from the denial date.
 - c) A certified letter after 30 days of failure to correct.
 - d) After 30 days apply \$100.00 per month penalty to Owner's Account until resolved.
 - e) After 30 days apply \$250.00 per month penalty to Owners Account for violation for the non-rental clause (Paragraph 2) of the Association Deed Restrictions.
- 14) Non-Curable Deed Restriction, Board Resolution, UTV or Pool Rule Violations – The following procedures shall be utilized when enforcement action is indicated.
- a) A letter from the Director clearly stating the violation with reference to said restriction IE: Para. #, Board Resolution, or rules and the following penalty:
 - i) Property Damage: \$100.00 or Actual Total Cost of Repair (whichever is greater)
 - ii) Entry Gate Damage: \$250.00 or Actual Total Cost to Repair (whichever is greater)
 - iii) Illegal Dumping: \$250.00
 - iv) All Other: \$100.00
- 15) Sec. 209.007. HEARING BEFORE BOARD; ALTERNATIVE DISPUTE RESOLUTION.
- a. Except as provided by Subsection (4) 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 [a committee appointed by] the board [of the property owners' association or before the board if the board does not appoint a committee].
 - b. If a hearing is to be held before a committee, the notice prescribed by Section 209.006 must state that the owner has the right to appeal the committee's decision to the board by written notice to the board.
 - c. The association shall hold a hearing under this section 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.
 - d. The notice and hearing provisions of Section 209.006 and this section 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. The notice and hearing provisions of Section 209.006 and this section do not apply to a temporary suspension of a person'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 property owners' 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.

This resolution is effective upon filing with the Trinity County Clerk.

Signed this 20 day of August, 2025

HP OWNERS ASSOCIATION, d/b/a HARBOR
POINT PROPERTY OWNERS ASSOCIATION

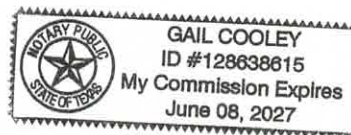
By: [Signature]
GLENN SANFORD, President

THE STATE OF TEXAS §
COUNTY OF Trinity §

This instrument was acknowledged before me on the 20 day of August, 2025 by Glenn Sanford, President of the HP OWNERS ASSOCIATION, d/b/a HARBOR POINT PROPERTY OWNERS ASSOCIATION, on behalf of said Association.

[Signature]
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Skelton Slusher Barnhill Watkins Wells PLLC
Attn: Joshua L. McMahon IV
1616 S. Chestnut Ave.
Lufkin, Texas 75901



at 9:40 FILED A M
o'clock

AUG 29 2025

SHASTA BERGMAN
COUNTY CLERK TRINITY CO. TEXAS
By: [Signature] Deputy

THE STATE OF TEXAS
COUNTY OF TRINITY

I hereby certify that the instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Trinity County, Texas in the Volume and Page as noted hereon to me.

Shasta Bergman
County Clerk, Trinity County
By: [Signature] Deputy

