

12786

**CERTIFICATE OF ADOPTION
OF
ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THE
GOVERNING DOCUMENTS
OF
LAKE LIVINGSTON VILLAGE IMPROVEMENT
ASSOCIATION, INC.**

STATE OF TEXAS
COUNTY OF POLK

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§

KNOW ALL BY THESE PRESENTS:

WHEREAS, the Board of Directors (the "Board") of Lake Livingston Village Improvement Association, Inc., a Texas non-profit corporation (the "Association") is charged with administering and enforcing the following Declarations of Covenants, Conditions and Restrictions (as have been or may be supplemented and amended from time to time, collectively called the "Declaration") encumbering the Lake Livingston Village subdivision located in Polk County, Texas (the "Subdivision"):

Document:

Polk County Texas Recording Information:

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|---------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 1. Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section One | Volume 506, Page 453, <i>et. seq.</i> |
| 2. Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Two | Volume 560, Page 699 <i>et. seq.</i> |
| 3. Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Three | Volume 566, Page 636, <i>et. seq.</i> |
| 4. Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Four | Volume 571, Page 99, <i>et. seq.</i> |
| 5. Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Five | Volume 591, Page 404, <i>et. seq.</i> |
| 6. Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Six | Volume 560, Page 711, <i>et. seq.</i> |
| 7. Declaration of Covenants, Conditions and Restrictions of Lake Livingston Village, Section Seven, Eight, Nine, Ten and Eleven | Volume 599, Page 192, <i>et. seq.</i> |
| 8. Declaration of Covenants, Conditions and | Volume 599, Page 181, <i>et. seq.</i> |

Restrictions of Lake Livingston Village,
Section Twelve

9. Declaration of Covenants, Conditions and Volume 621, Page 428, *et seq.*

Restrictions of Lake Livingston Village,
Section Thirteen

10. Declaration of Covenants, Conditions and Volume 704, Page 568, *et seq.*

Restrictions of Lake Livingston Village,
Section Fourteen

WHEREAS, the Declaration provides that the Association has the right to enforce the Declaration; and

WHEREAS, the Board desires to adopt rules and regulations regarding enforcement procedures for violation(s) of the Declaration and other governing documents of the Association; and

WHEREAS, Article III, Section 8 of the Amended and Restated Bylaws of the Association (the "Bylaws") provide that at all meetings of the Board, a majority of directors of the Board (the "Directors") shall constitute a quorum for the transaction of business and that except as set forth in the Bylaws, the acts of a majority of the Directors present at a meeting at which a quorum is present shall be the acts of the Board; and

WHEREAS, the Board held a meeting on Nov. 20, 2021 (the "Adoption Meeting"), at which at least a majority of the Directors were present and at which at least a majority of the Directors present duly passed the Enforcement Procedures for Violations of Governing Documents of the Association set forth herein below (the "Enforcement Procedures").

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify that at the Adoption Meeting, at least a majority of the Directors were present and at which at least a majority of the Directors present duly adopted the Enforcement Procedures. The Enforcement Procedures are effective upon recordation of this Certificate in the Official Public Records of Polk County, Texas. The Enforcement Procedures are as follows:

ENFORCEMENT PROCEDURES

1. **Violations.** An action is initiated under these Enforcement Procedures when the management company for the Association, a member of the Board, or other Association volunteer notes a violation of the Declaration or other governing documents. The Association's management company is authorized to send the owner any or all notices described in these Enforcement Procedures.

2. **Initial Notice.** The Association shall send one (1) or more notices ("Initial Notice") by regular mail advising the owner of the violation and requesting that the violation be cured. However, if the Association decides that the violation requires expedited handling, the Association is entitled to dispense with sending the owner any Initial Notice. All notices described in these Enforcement Procedures shall be sent to the owner at the owner's last known address, as shown on the records of the Association. Owners are responsible to inform the Association of their current address for notices.

3. **Certified Notice.**
 - a. If the violation is not cured pursuant to the Initial Notice (or if the Association has decided not to send any Initial Notice), the Association shall send a notice (the "Certified Notice") to the owner by certified mail, return receipt requested, describing the violation and if the violation is of a curable nature (*See examples of uncurable and curable violations set forth in Sections 209.006[h] and [i] of the Texas Property Code*), demanding that the violation be cured.

 - b. The Certified Notice will inform the owner that the owner has a period of thirty (30) days from the date the Certified Notice was mailed to request a hearing before the Board regarding the violation.

 - c. For violations of a curable nature (*See examples of uncurable and curable violations set forth in Sections 209.006[h] and [i] of the Texas Property Code*) and which do not pose a threat to public health or safety as reasonably determined by the Board, the Certified Notice will: (i) allow the owner a reasonable period to cure the violation and avoid the Association pursuing legal action; (ii) will inform the owner that if the violation is not cured and the owner does not request a hearing within thirty (30) days from receipt of the date the Certified Notice was mailed to the owner, the owner's account will be charged a fee for the Association's costs associated with the Certified Notice; and (iii) will inform the owner that if the violation is not cured and the owner does not request a hearing within thirty (30) days from the date the Certified Notice was mailed to the owner, all attorney fees and other costs incurred by the Association in connection with the violation will be charged to the owner's account and that the Association intends to examine pursuit of its other remedies.

- d. The Certified Notice will also inform the owner that the owner may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501, *et. seq.*), if the owner is serving on active military duty.

Notwithstanding the foregoing, if the Association has given the owner notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, or if the Association files a suit seeking expedited relief in the form of a temporary restraining order or a temporary injunction, the Association shall not be required to send the owner a Certified Notice.

4. **Hearing.** If the owner makes a timely written request for a hearing, a notice shall be sent to the owner informing the owner as to the date, time, and place for the hearing before the Board. The hearing will be conducted in accordance with such rules and procedures as may be deemed appropriate by the Board. The hearing shall take place even if the owner does not attend the hearing.
5. **Remedies.** If the owner does not make a written request for a hearing before the Board within the above-described thirty (30) day timeframe (and if the violation has not been cured if the violation is of a curative nature as described in Section 209.006[i] of the Texas Property Code), the Association may thereafter pursue its remedies. If a hearing is conducted pursuant to a proper request, the Association may pursue its remedies regarding an uncured violation after the conclusion of the hearing, unless the Association has made an agreement to the contrary. Such remedies include levying all of the Association's costs against the owner by adding such charges to the owner's account and/or turning the matter over to an attorney for legal action. Even if the Association levies its costs against the owner, the Association reserves the right to turn the matter over to an attorney for legal action. If this becomes necessary, it is contemplated that the Association will instruct the attorney to pursue the Association's legal remedies, including filing suit, and all such attorney fees and legal expenses shall also be charged to the owner's account.
6. **Charges to Owner's Account.** Any attorney's fees and cost incurred by the Association as a result of a violation will be charged to an owner's account and shall constitute a lien against the offending owner's property.
7. **Miscellaneous.** The Association will not send any notice to the owner in a situation in which the Association seeks expedited relief in the form of a temporary restraining order or a temporary injunction. In such situations, the Association reserves its rights to file suit and seek such relief from the court without any prior notice to the owner and/or occupant.

EXECUTED on the date of the acknowledgment set forth herein below.

ASSOCIATION:

**LAKE LIVINGSTON VILLAGE
IMPROVEMENT ASSOCIATION, INC., a
Texas non-profit corporation**

By: *Vernon Moody*
Vernon Moody, President

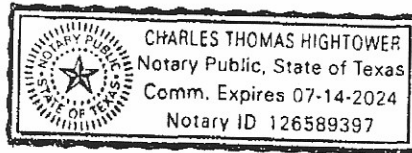
THE STATE OF TEXAS §
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COUNTY OF POLK §

This instrument was acknowledged before me on NOVEMBER 23, 2021, by Vernon Moody, President of Lake Livingston Village Improvement Association, Inc., a Texas non-profit corporation, on behalf of said entity.

Charles T. Hightower
Notary Public, State of Texas

WHEN RECORDED, RETURN TO:

Mark K. Knop
Hoover Slovacek LLP
Galleria Tower II
5051 Westheimer Rd., Suite 1200
Houston, Texas 77056



FILED FOR RECORD

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Schelana Hock
SCHELANA HOCK
POLK COUNTY CLERK

STATE OF TEXAS)
COUNTY OF POLK)

I, SCHELANA HOCK hereby certify that the instrument was FILED in the file number sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records in Volume and Page of the named RECORDS OF Polk County, Texas as stamped hereon by me.

NOV 23 2021



Schelana Hock
COUNTY CLERK
POLK COUNTY, TEXAS