

Land's End Homeowner Association

POLICY RESOLUTION NUMBER 2

RULES ENFORCEMENT POLICY

WHEREAS, Article VI Section 6.24 Enforcement, of the Declaration of Covenants, Conditions, Restrictions and Easements for Land's End at Lake Fork (the "Declaration") gives the Homeowners' Association (the "Association") power to adopt rules and regulations as may be necessary to carry out the intent of the deed restrictions, and the right to levy fines and bring lawsuits to enforce these Rules and the Declaration; and

WHEREAS, Title XI Chapter 202.004 Enforcement of Restrictive Covenants, of the Texas Property Code presumes reasonable the exercise of discretionary authority by the Association when properly administered; and

WHEREAS, the Board of Directors (the "Board") desires to create an enforcement process that complies with all laws, provides ample opportunity for compliance, and is administered in a fair, equitable and uniform manner;

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures will be followed whenever a violation of these Rules and/or the Declaration is believed to exist:

1. The individual Owner or Board member who observes a perceived violation or has a complaint against another Owner is first required to call attention to the perceived violation with the responsible Owner and attempt to agree on a course of corrective action and a date by which the corrective action will be completed. The complaining Owner must make note of contact date and agreed upon corrective action and completion date.
2. If the involved Owners cannot agree that a violation has occurred, or cannot agree on a course of corrective action, or the agreed upon corrective action was not completed by the agreed date, a signed written complaint may be filed with the Board stating the Rule or Restriction violated and the failure of Step 1, above, to correct the violation. The Board will not accept verbal complaints.
3. If the Board determines a violation does exist, the Board will issue a courtesy written notice to the responsible Owner detailing the violation and providing a reasonable time frame for the responsible Owner to correct the violation.
4. If the violation is not corrected within the time prescribed in the courtesy notice, the Owner will be mailed a certified notice with return receipt outlining the following:
 - A description of the violation as basis for a fine and the amount of fine to be imposed
 - A reference to the prior contact and courtesy notice
 - Notice that the Owner in violation will be responsible for attorney fees if legal action becomes necessary for injunctive relief or to correct the violation
 - Notice that the responsible Owner has 30 days from receipt of the certified notice to either,
 - (a) correct the violation and avoid the fine and legal action, or
 - (b) request in writing a hearing before the Board

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5. If a hearing before the Board is not requested or if the violation is upheld by the Board at the hearing, and the violation still exists, a fine of \$100 plus \$10 per day will be imposed until the violation is corrected, beginning on the 31st day after the certified notice in Step 4, above, was received.
6. If the violation has not been corrected, approximately 30 days after a fine has been imposed the Owner will be sent a second certified notice with return receipt to include the following:
 - A review of the violation, of prior communications, the fine imposed, the amount currently due, and a date certain to pay the fine and correct the violation to avoid further action by the Board. (Date certain to be 30 days from receipt of second certified notice.)
 - Notice that the Board has the right to enter upon the property and take any action it deems appropriate to correct the violation and assess the costs of it's actions to the Owner, and the Board's intention to do so, where practical.
 - Notice that legal action is imminent; that the Board may seek the recovery of damages or injunctive relief, or both, and that all costs will be assessed to the Owner including attorney fees.
7. Approximately 30 days from the second certified notice the Board shall institute such legal action as it deems appropriate.
8. Enforcement for a similar violation by the same Owner that occurred within the preceding six months does not require advance notices and enforcement will begin at Step 5, above.

BE IT FURTHER RESOLVED THAT in any circumstance where the removal of trees larger than 6" diameter or where the construction of any structure has commenced, or where such action appears imminent, prior to receiving written approval from the Architectural Control Committee, the Owner and contractor will be asked to stop and obtain the required approval before proceeding. Should the Owner proceed without written approval after being asked to stop, the Board may immediately seek an injunction and all associated legal costs will be assessed to the Owner.

ATTEST:
3/4/2002

(Date)

President of the Association