

Sapphire Enclave Homeowners Association

GENERAL MEETING AGENDA

October 20, 2022 at 6:00pm

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- I.** Board Introductions/Notice of Quorum
- II.** Fining Policy Discussion & Vote
- III.** Resident Q&A
- IV.** Adjourn

Sapphire Enclave Homeowners Association

Covenant Enforcement and Fining Policy

WHEREAS, The Sapphire Enclave Homeowners Association (the Association) is authorized to enforce the covenants and restrictions contained in the “Declaration of Covenants, Conditions and Restrictions” for the Sapphire Enclave Homeowners Association (the “Declaration” also known as the “Covenants”) and contained in the Bylaws, rules and regulations, guidelines and other standards and policies (all collectively referred to in this policy as the “Governing Documents”); and

WHEREAS, pursuant to Section 9.2 of the Covenants, Conditions, and Restrictions, the Board of Directors shall have the power and authority to impose reasonable fines for violations of the governing documents, ACC guidelines or any rule or regulation of the Association which shall constitute a lien upon the Lot of the violation Owner as provided in the Declaration.

NOW, THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the enforcement of the Governing Documents and for the elimination of violations found to exist in, on and about the Property, the Lots, the Streets, and the Common Areas within the Sapphire Enclave Homeowners Association, and the following procedures are to be known as the “covenant Enforcement and Fining Policy” (referred to herein as the “Enforcement Policy”), which shall replace any previously adopted policy.

- 1) First Violation Notice/ Friendly Reminder:** A written courtesy notice will be sent to the Owner of the Lot in question as required by Texas Property Code, delivered via First Class Mail and will be given a time period of 14 days to correct, except for on street parking allowing parking to be limited to 12 hours in any given 24 hour period, per supplemental amendment filed 12/2015. No fine will be applied to the account with a First Notice. Owner will be notified of the next step in the process which includes the fining amount, as identified in Exhibit A, in the Second Notice.
- 2) Second Notice (Not Repaired/ No Application for Extension):** If the situation is not cured within the time period noted in the first notice, a letter will be sent via first class mail notifying the Owner of the continued violation. Said Owner will be given seven (7) days to correct the violation. No fine will be applied to the account at this step. Owner will be notified of the next step in the process to include a fine, as identified in Exhibit A, plus the cost of certified mail delivery.

- 3) **Final Notice (Not Repaired/ No Application for Extension):** If after the specific time period given in the second notification, the violation continues, the homeowners will be subject to the application of a fine, as outlined in the schedule of fines “Exhibit A”, to their account, plus the cost of certified delivery. Notice will be sent via certified mail, return receipt and by regular first class mail.
- 4) **“Damage Assessment”:** Violations that result in property damage or cause the Association to incur cleanup costs will result in a “Damage Assessment” on the homeowners account.
- 5) **Construction without ACC Approval/ Non-Conforming Improvement:** Changes done to a property without request and approval will be fined as outlined separately in the Schedule of Fines “Exhibit A” without maximum.
- 6) **“Appeal Process”:** If a homeowner so chooses, an appeal can be made via written request to the board within 30 calendar days of receiving the first violation notice. Within 10 days of receipt, the board will give the homeowner notice of the date within 30 calendar days from the date the request was received by the board, and the hearing should be scheduled to provide a reasonable opportunity for both the homeowner and the board to attend. Failure to submit an appeal or to appear at the scheduled hearing will result in an automatic appeal denial. The appeal ruling will determine the course of future enforcement actions.

Exhibit “A”

Schedule of Fines

Violation	Fine
Declaration of Restrictions	\$150.00 after 21 days from first notice
Covenants& Conditions of	\$200.00 after an additional 10 days
Sapphire Enclave	\$300.00 after an additional 10 days
	\$400.00 after an additional 10 days*

This schedule of Fines is to be used solely as a guide to the Board in establishing rules for various violations of the Association governing documents. Fines may vary depending upon the nature and severity of the violation.

General Policy

If a homeowner contacts management with the intent to correct a violation and asks for an extension, management shall grant such extension if it deems the extension reasonable. If the homeowner does not cure the violation after the extension period, the homeowner will be immediately referred to the attorney or the process will be resumed at the last level of the process.

***Forced Maintenance Procedure**

After a homeowner has received the fifth notice with fine, the board may enact forced maintenance to bring the property into compliance. The homeowner will receive a certified letter stating the date the association will have a contractor onsite to initiate the work needed to cure the violation. The cost for the work will be provided and will be applied on the account as a reimbursement to the association not before the date of service listed on the notification. The cost of the certified notice will be added to the account as well as the fining schedule amount for this step of the fining policy. .