

HIDDEN HILLS PROPERTY OWNERS ASSOCIATION, INC.

Deed Restriction Enforcement Policy

As provided in the Declaration for the Hidden Hills Property Owners Association, Inc, Section 9, the Association or their designated agent has the authority to enforce the provisions of the Declaration, Bylaws, Design Guidelines and the Rules and Regulations and to take such action as the Board of Directors deems necessary or desirable to cause compliance by each Owner. Compliance may be enforced;

(a) by entry upon any Lot within the Subdivision, and/or;

(b) by filing suit in a court of law, and/or;

(c) by barring the Owner from use of recreational facilities, and/or;

(d) by levying and collecting reimbursement to the Association for the costs incurred by the Association (including, but not limited to pre-litigation attorney's fees) in connection with curing the violation, and/or;

(e) by levying and collecting reasonable and uniformly applied fines and penalties established in advance in the Rules and Regulations of the Association, and/or;

(f) by taking action itself to cure or abate such violation and to charge the expenses to the Owner, plus attorney's fees incurred by the Association with respect to exercising such remedy.

Before the Association may suspend an Owner's right to use the Common Area, file a suit against an Owner (other than a suit to collect a Maintenance Charge, or a Regular or Special Assessment or foreclose under the Association's lien), charge an Owner for property damage or levy a fine for a violation of the Declaration, Bylaws, Design Guidelines, or Rules and Regulations, the Association or its Managing Agent must give written notice to the Owner by certified mail (209 Notice).

The notice must;

(a) describe the violation or property damage that is the basis for the suspension action, charge, or fine and;

(b) state any amount due the Association from the Owner and;

- (c) inform the Owner that the Owner is entitled to a reasonable period to cure the violation and avoid the fine or suspension (unless the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months, in which case no such notice is required), and;
- (d) inform the Owner that the Owner may request a hearing under Section 209.007 of Texas Property Code on or before the thirtieth (30th) day after the date the Owner receives the notice, and;
- (e) 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.

The cost for sending the above required 209 Notice certified mail will be assessed to the homeowner. If a hearing is requested, and the violation is overturned, the charge will be removed from the Owner's ledger.

Section 209.007 Hearing. If the violation is of a curable nature, the Owner has the right to submit a **written** request for a hearing to discuss and verify facts and resolve the matter before a committee appointed by the Board or before the Board of Directors if a committee is not appointed. A decision made at a hearing before the Board of Directors is final. However, if a hearing is to be held by a committee, the Owner has the right to appeal the committee's decision to the Board of Directors by **written** notice.

In either case, The Association shall hold a hearing under this section not later than the thirtieth (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 tenth (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 ten (10) days. Additional postponements may be granted by agreement of BOTH parties.

The Owner and the Association are entitled to legal representation at the hearing, and either may make an audio recording of the meeting and may use alternative dispute resolution services. The Owner's presence is not required to hold a hearing. The Owner may appoint a Proxy to stand in for them at the hearing. In the event the Owner does not make themselves, or their proxy, available for the hearing on the scheduled date, at the scheduled time, and does not cancel or request a re-scheduled hearing with at least 24-hours notice to The Association, the hearing will be held without the Owner present and any decision rendered by the Committee or the Board will be final.

The Association may collect reimbursement of reasonable attorney's fees and other reasonable costs incurred by the Association relating to collecting amounts, including damages, due the Association for enforcing restrictions contained in its dedicatory instruments only if the Owner is provided a written notice that attorney's fees and costs will be charged to the Owner if the delinquency or violation continues after a certain date. An Owner is not liable for attorney's fees incurred by the Association relating to a matter described by the notice under this section if the attorney's fees are incurred before the conclusion of the hearing; or, if the Owner does not request a hearing, before the date by which the Owner must request a hearing. All attorney's fees, costs, and other amounts collected from an Owner shall be deposited into an account maintained at a financial institution in the name of the Association or its Managing Agent. Only Board members or the Association's Managing Agent or employees of its Managing Agent may be signatories on the account. On written request from the Owner, the Association shall provide copies of invoices for attorney's fees and other costs relating only to the matter for which the Association seeks reimbursement of fees and costs.

HIDDEN HILLS PROPERTY OWNERS ASSOCIATION, INC.
 Schedule of Fines for Violations (Effective 2/1/2024)

<u>Occurrence</u>	<u>Fine</u>	<u>Re-Inspection</u>
Friendly Reminder	\$0.00	14 Days
1 st Notice of Violation	\$0.00	14 Days
2 nd Notice of Violation	\$0.00	14 Days
*Sent with Notice of Intent to Fine		
3 rd Notice of Violation	\$25.00	14 Days
*Sent with Fine Invoice		
Continued Violation	\$100.00	Per monthly inspection until resolved

Please note: This is not Violations are not cleared until the issue is completely resolved. If the same issue occurs again within 6 months of the last violation notice, state law does not require the Association to start the process again. You may be fined without any further notice. You have the right to appeal a fine for a violation. To do so, please send a written request to hiddenhills@bealbcs.com, or by mail to Beal Properties, 3363 University Drive, Suite 215, Bryan, TX 77802. The request must be received within 30 days of the date of the 209 Fine Notice. A hearing with the Board of Directors will be scheduled within 30 days of receipt of your request. For additional information on this process, please refer to

Rockbridge Homeowner's Association 903 Texas Avenue South, College Station, TX 77840