

**CERTIFICATE OF ADOPTION
OF
ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THE
GOVERNING DOCUMENTS
OF
ASHTON VILLAGE HOMEOWNERS ASSOCIATION**

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF HARRIS §

WHEREAS, the Board of Directors (the "Board") of Ashton Village Homeowners Association, a Texas non-profit corporation (the "Association") is charged with administering and enforcing the Declaration of Covenants, Conditions and Restrictions of Ashton Village dated July 7, 1978, and recorded in the Official Public Records of Harris County, Texas, under Clerk's File Number F681031 (as may be supplemented and amended from time to time, the "Declaration") encumbering the Ashton Village subdivision (the "Subdivision"); and

WHEREAS, Article VII, Section 1 of 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 V, Section 3 of the By-Laws of the Association provide that a majority of the number of directors of the Board shall constitute a quorum for the transaction of business and that every act or decision done or made by a majority of the directors of the Board present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board; and

WHEREAS, the Board held a meeting on October 18 2021 (the "Adoption Meeting"), at which at least a majority of the directors of the Board were present and 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 of the Board were present and the Board duly adopted the Enforcement Procedures. The Enforcement Procedures are effective upon recordation of this Certificate in the Official Public Records of Harris County, Texas. The Enforcement Procedures are as follows:

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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 such Certified Notice, the owner's account will be charged the sum of \$50. in connection with 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 receipt of such Certified Notice, 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.

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- 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. 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

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ASSOCIATION:

ASHTON VILLAGE HOMEOWNERS
ASSOCIATION, a Texas non-profit corporation

By: [Signature]
Paul Coleman, President

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on October 18, 2021, by Paul Coleman, President of ASHTON VILLAGE HOMEOWNERS ASSOCIATION, a Texas non-profit corporation, on behalf of said entity.

[Signature]
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



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Pages 5
10/20/2021 01:21 PM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$30.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS