

## **Spring Creek Forest Civic Association Deed Restrictions Enforcement Process December 2018**

Section 2 (i) ("Duties") of Article VIII ("Powers and Duties of the Board of Directors") of the First Amendment to the Bylaws of Spring Creek Forest Civic Association (SCFCA) states: "It is the duty of the Board to... (i) Enforce the Covenants and Restrictions as needed..." . The Board has adopted the following process for enforcing the Spring Creek Forest's Dedicatory Instruments (as such term is defined by the Texas Property Code), effective October 2018.

**For "curable" violations (not uncurable or violations which do not pose a threat to public health or safety) under Texas Property Code Section 209.006:**

- Upon identifying a violation, the management company will send a first letter (called a courtesy notice) to the Owner allowing 30 days from the date on the letter for the Owner to correct the violation. The letter will contain the necessary contact information if the Owner has extenuating circumstances and needs to discuss the issue with SCFCA. The letter will also be included in the electronic file for that Lot, accessible by the Owner at any time.
- If the violation still exists after 30 days (and there has been no temporary variance granted by the Board), the management company will send a second letter (called a violation notice) to the Owner. This letter will contain the same information as the first, allowing another 30 days for the Owner to correct the violation. It will also remind the Owner what the next steps will be (see below) if the violation is not corrected in that 30-day period. This letter will also be included in the electronic files as described above.
- If the violation still persists after the 30 days given to the Owner in the violation notice, the management company will send a third - certified - letter (also known as a Chapter 209 letter) to the Owner, with the cost to be billed to the homeowner - \$25 in 2018, subject to escalation in future years. The letter will also identify any fine to be imposed as of day 10, if a fine schedule is in effect at the time. This letter will only allow 10 more days for the Owner to correct the violation, and will be included in the electronic files as described above.
- If the violation still exists after the 10 days given to the Owner in the Chapter 209 letter, the management company will do one of two things: If no fine schedule is in effect, they will turn the matter over to legal – with all legal costs to be billed to the homeowner. If a fine schedule with escalation exists, they will continue to issue certified letters on 30-day intervals along with the fines, until the fine escalation stops. At that point, they will turn the matter over to legal – with all legal costs billed to the homeowner.

**For uncurable violations or violations which pose a threat to public health or safety:**

- SCFCA will send a Chapter 209 letter but regardless of whether the Owner chooses to request a hearing, fines, suspension of right to use common areas, and other remedies available to the Association may be implemented after the mailing of the Chapter 209 letter.
- Examples of uncurable violations are: (1) shooting aerial fireworks; (2) an act or situation constituting a threat to health or safety; (3) a noise violation that is not ongoing; (4) property damage, including the removal or alteration of landscape.

**For self-help procedures allowed under Section 7.3.4 of the Declaration:**

- **Upon identifying this type of violation, the management company will send a certified letter, return receipt requested to the Owner, giving the Owner 10 days to correct the violation, and explaining the rights of the SCFCA regarding such issues. This letter will also be included in the electronic files as described above.**
- **If after 10 days the violation has not been corrected, the SCFCA may exercise its right to enter the property and correct the violation, with all costs being billed to the Owner and secured by the lien.**
- **Examples of these include, but are not limited to: a fence or gate broken down allowing access to a swimming pool; trash piled up in a yard or driveway; exposed wiring; yard grossly overgrown; etc.**

RP-2019-422914

**CERTIFICATION**

I hereby certify that, as Secretary of the Spring Creek Forest Civic Association, this Spring Creek Forest Civic Association Deed Restrictions Enforcement Process was approved on the 15 day of January, 2019, at a meeting of the Board of Directors at which a quorum was present.

DATED, this the 28 day of February, 2019.

*Sharon A Thomen*  
Print Name: SHERON A THOMEN  
Secretary

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

BEFORE ME, on this day personally appeared *Sharon A. Thomen* the Secretary of the Spring Creek Forest Civic Association known by me to be the person whose name is subscribed to this instrument, and acknowledged to me that s/he executed the same for the purposes herein expressed, in the capacity herein stated, and as the act and deed of said corporation.

Given under my hand and seal this the 28 day of February, 2019.

*[Signature]*  
Notary Public - State of Texas



After Recording, Return To:  
Sipra Boyd  
Roberts Markel Weinberg Butler Hailey PC  
2800 Post Oak Blvd., 57<sup>th</sup> Floor  
Houston, TX 77056

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e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
DIANE TRAUTMAN  
COUNTY CLERK  
Fees \$24.00

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.



*Diane Trautman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

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