



Homeowners Association

Levying Of Fines for Violations

The Hurta River Estates Owners Association board has adopted an enforcement policy regarding the levying of fines by the property owners' association. The policy includes:

- (1) general categories of restrictive covenants for which the association may assess fines;
- (2) a schedule of fines for each category of violation; and
- (3) The enforcement policy may reserve the board's authority to levy a fine from the schedule of fines that varies on a case-by-case basis.

Hurta River Estates Owners Association shall:

- (1) provide a copy of the policy to an owner of each property in the subdivision by:
 - (A) post the policy on an Internet website maintained by the property owners' association or an agent acting on behalf of the association and accessible to members of the association; or
 - (B) annually send a copy of the policy, separately or included in routine communication from the property owners' association to property owners, by:
 - (i) hand delivery to the owner;
 - (ii) first class mail to the owner's last known mailing address; or
 - (iii) e-mail to an e-mail address provided to the property owners' association by the owner; and
- (2) make the policy available on any publicly accessible Internet website maintained by the property owners' association or an agent acting on behalf of the association.

Hurta River Estates Property Owners' rights regarding fines

Hurta River Estates Owners Association must notify the property owner by mail before imposing the fine. This gives the owner an opportunity to fix the problem and dispute the charge. Notice may not be required for repeated violations.

The notice to the owner must contain:

- description of the violation;
- amount of the proposed fine;

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- a statement that the owner has 30 days to request a hearing before the Board of Directors;
- notice of any special rights or relief that the owner might have under the law, including the Servicemembers Civil Relief Act;
- if the violation is not a threat to public health or safety and is of a "curable nature," a reasonable amount of time to fix the violation and avoid the fine. The notice should state the date by which the violation must be fixed.

Examples of violations that are "curable" and "uncurable":

| Uncurable | Curable |
|---|--|
| Shooting fireworks | Parking violations |
| An act constituting a threat to public health or safety | Maintenance violations |
| A noise violation that is not ongoing | The failure to have construction projects comply with approved plans or specifications |
| Property damage, including the removal or alteration of landscape | Ongoing noise violations, such as a barking dog |
| Holding a garage sale or other event prohibited by a governing document | |

Schedule of Fines

1. Uncurable Violations
 - A. \$50.00 - First Notice
 - B. \$50.00 – Each delinquent notice until fine(s) paid in full
2. Curable Violations
 - A. \$50.00 – First Notice

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- B. \$50.00 – Each delinquent notice until fine(s) paid in full
- 3. Late Fees
 - A. \$50.00 – Late payment of annual assessments for payment received after January 31.
 - B. \$50.00 – Will be assessed due the last day of each month until assessment and penalties are paid in full.

Fines For Annual Assessment Late Payments

Association annual assessments are due on January 31 of each year. Any dues not received by that date are considered delinquent and will be assessed an additional \$50 per month until the assessment and penalty fees are paid in full.