

CYPRESS TRAILS COMMUNITY IMPROVEMENT
ASSOCIATION ENFORCEMENT POLICY

STATE OF TEXAS

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KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF HARRIS

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WHEREAS the CYPRESS TRAILS COMMUNITY IMPROVEMENT ASSOCIATION ("Association") is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations for the various sections of the community (referred to collectively as "Declarations"); and

WHEREAS chapters 209 of the Texas Property Code were amended, specifically, Sections 209.006 and 209.007 thereto regarding Enforcement Actions; and

WHEREAS, the Board of Directors ("Board") of the Association desires to establish a policy for Enforcement Actions consistent with the Sections identified above in order to provide clear and definitive guidance to property Owners.

NOW, THEREFORE, the Board has duly adopted the following, *Enforcement Actions*.

A. *Notice*

1. The Association or its agent must give written notice to the Owner by certified mail before it can:

- suspend an Owner's right to use a common area;
- file a suit against an Owner, other than a suit to collect a regular or special assessment or foreclose under an Association's lien;
- charge an Owner for property damage; ~~or~~
- levy a fine for a violation of the Restrictions or Bylaws or Rules of the Association; or
- report any delinquency of an owner to a credit reporting service.

B. *Content of Notice*

1. The notice must:

- Describe the violation or property damage that is the basis for the suspension action, charge, or fine and state any amount due the Association from the Owner;
- Inform the Owner that he/she:
 - a. is entitled to a reasonable period to cure the violation and avoid

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the fine or suspension if the violation is of a curable nature and does not pose a threat to public health or safety;

- b. may request a hearing on or before the 30th day after the date the notice was mailed to the Owner; and
- c. 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.

- Specify the date by which the Owner must cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety; and
- Be sent by verified mail to the Owner at the Owner's last known address as shown on the Association's records;
- The date specified in the notice must provide a reasonable period to cure the violation if the violation is of a curable nature and does not pose a threat to public health or safety;
- The Association does not have to send this notice for a violation for which the Owner has been previously given notice under this section and the opportunity to exercise any rights available under this section in the preceding six (6) months.
- If the Owner cures the violation before the expiration of the period for cure described in the notice, a fine may not be assessed for the violation.

D. Hearing Before The Board

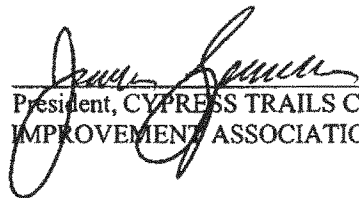
1. Except as provided by Subsection (d) and only if the Owner is entitled to an opportunity to cure the violation, the Owner has the right to submit a written request for a hearing to discuss and verify the facts and resolve the matter in issue before the Board.
2. The Association shall hold a hearing 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 the parties.
3. Not later than 10 days before the Association holds a hearing under this this Section, the Association shall provide the Owner with a packet containing all documents, photographs, and communications relating to the matter the Association intends to introduce at the hearing.

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4. If an Association does not provide a packet within the period described by Subsection 3 above, an Owner is entitled to an automatic 15 day postponement of the hearing.
5. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the Owner. An Owner or the Owner's designated representative is entitled to present the Owner's information and issues relevant to the appeal or dispute.
6. The Owner or the Association may make an audio recording of the meeting.
7. The notice and hearing provisions of Section 209.006 and 209.007 do not apply:
 - If the Association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action; or
 - It temporarily suspends a person's right to use common areas if it is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension is effective until the Board makes a final determination on the suspension action after following the procedures prescribed in Section 209.007.

The policy is effective upon recordation in the Public Records of Harris County, and supersedes any policies for enforcement actions which may have previously been in effect. Except as affected by Sections 209.006 and 209.007 and/or by this policy, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Approved and adopted by the Board on this 17th day of August 2021.



President, CYPRESS TRAILS COMMUNITY
IMPROVEMENT ASSOCIATION

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STATE OF TEXAS

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COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared James Spencer, President of CYPRESS TRAILS COMMUNITY IMPROVEMENT ASSOCIATION, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she has executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 17 day of August, 2021.

Alli Malin

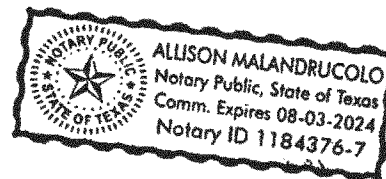
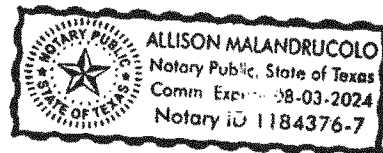
Notary Public in and for
the State of Texas

Allison Malandrucolo

Printed Name
the State of Texas

8-3-24

My Commission Expires



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Pages 5
08/23/2021 12:33 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

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