

## **Westminster Glen Estates Homeowners Association Inc.**

c/o Goodwin Management

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To All Residents: This letter documents the process we use to act on noncompliance with CCRs in Westminster Glen Estate, Homeowners Association, Inc (WMG). It is published on our community website: WMGhoa.org and was sent to the addresses of all homeowners as of the mailing date.

### **Authority**

WMG is organized and run consistent with the requirements of Title 11: Restrictive Covenants, Chapters 202 and 209 of the Texas Residential Property Owners Protection Act. Under the provisions of this act and its amendments, each homeowner is subject to a set of Covenants, Conditions, and Restrictions (CCRs) that were mutually agreed by the homeowners at the time of closing and property transfer.

### **Compliance Definitions**

Compliance with WMG CCRs is problematic when area neighbors are affected by the non-compliant behavior of one or more neighbors. To the extent the non-compliance is documented, each incidence of noncompliance becomes a violation.

### **Compliance Process**

Whether daily or incidental, a documentation process is required to cause action towards compliance. This action involves steps that are retained by the property management company. These steps are outlined as follows:

1. **Courtesy Notice:** letter to the property owner by property manager. A property owner sends a written complaint to the property management company alleging violation. Notice to the property management company can be in form of an email, written mailed letter or via Goodwin's website. [www.goodwintx.com](http://www.goodwintx.com). Upon receipt, the property management company sends a written mailed letter addressing the alleged violation to the Owner. This letter outlines the violation, specifies a period of time to be corrected, and specifies the remedies WMG could pursue should noncompliance continue. This step will only be used once per 6 months period and will not be used for recurrent violators.

2. **Formal violation notice** to the property owner by the property manager. In the event the violation is not corrected within the specified time or recurs within 6 months, the property manager shall send the violating property owner written notice by certified mail, return receipt requested. And will:

- a. cite violations witnessed with tangible evidence, reference CCR section(s), as appropriate; will state the remedy to be imposed, including amount and start date of any applicable fine;

- b. allow the Owner a reasonable time to become compliant by specifying a compliance date. This date may specify a shorter time than that allowed in the step 2 letter to cure the violation and avoid imposition of the previously called out remedy. This provision shall not apply if the Owner was given certified mail notice and a reasonable opportunity to cure a similar violation within the preceding 6 months;
  - c. states that, not later than the 30<sup>th</sup> day after the date the Owner received the notice of violation, the Owner may request a hearing before the Board to contest the matter;
  - d. advises that the request for hearing must be in writing and delivered to the property manager by the deadline stipulated in item 3c above;
  - e. states that attorney's fees and costs will be charged to the Owner if the violation continues after the conclusion of the hearing or, if no hearing is requested, after the deadline for requesting a hearing has passed.
3. **Hearing.** Upon receipt of a request for a hearing, the WMG Board shall promptly schedule the hearing and give the Owner at least ten days' advance written notice (including transmission via email) of the date, time, and place of hearing.
4. **Notice of Failure to Deliver.** A certified mail letter that is returned to the property manager due to the owner's failure or refusal to claim the letter shall be deemed received by the Owner on the 5<sup>th</sup> day after the postmark date of the letter.
5. **Notice of Fine.** The property manager shall notify the owner of the levied fine within 30 days of imposition of a fine. This notice must be sent by certified mail and regular mail.
6. **Payment.** Payment of the fine shall not substitute for, or be in lieu of, correction the violation.
7. **Exemptions.** The foregoing procedures do not apply to a lawsuit seeking a temporary restraining or temporary injunctive relief, or to the collection of regularly scheduled assessments and late fees.
8. **Legal Action.** At the direction of the WMG Board, WMG will pursue legal remedies for unresolved violations of the CCRs. This action will be pursued when the notice and assessment of fines has been ineffective at resolving conflict and disputes with noncompliant Owners. Other legal remedies the WMG Board may pursue include the following:
- a. record a notice of non-compliance in the County Official Public Records;
  - b. levy a damage assessment against an Owner;
  - c. impose costs of collection or enforcement (including manager's and/or attorney's charges) against an Owner.
9. **Vicarious Liability.** Owners are responsible for all violations that occur on their property that may come from tenants, guests, invitees, or occupants.

10. **Administrative Fee.** WMG may charge an administrative fee of not more than \$25.00 per notice to defray the time and cost of processing violation notices.

11. **Non-Exclusivity.** These remedies are cumulative, and may be imposed in combination with each other. For example, the Board may, for the same violation, impose a fine and charge manager's and/or attorney's fees incurred incidental to enforcement.

12. **Repeat Violations.** At the discretion of the Board, the fine for a repeat violation within 6 months may be higher than for the previous violation(s).

Schedule of Fines:

- Courtesy Notice \$0
- 1<sup>st</sup> Violation \$25
- 2<sup>nd</sup> Violation \$75
- 3<sup>rd</sup> Violation (or more) per day/incident \$100

The property manager documents and records each violation. The record of violations is violation-specific and is saved for six months. If the same violation is observed and submitted (with evidence) within a six month period of the initial violation, it is traced in a cue numerically and continues as a violation notice – courtesy, first, second, etc....

Property owners may have multiple violations in effect at the same time that overlap. Each violation is treated as a separate noncompliance and is fined accordingly. Therefore, the same homeowner can receive multiple fines concurrently for different violation offenses. All violations are assessed to their property owner account. Goodwin Management does not invoice violation fines. They are automatically assessed again the owners' HOA account.