

BIRCH CREEK FOREST PROPERTIES, INC

ENFORCEMENT POLICY AND SCHEDULE OF FINES

The forgoing Enforcement Policy and Schedule of Fines are to ensure compliance with the Governing Documents of Birch Creek Forest Properties, Inc. (the 'Association') and are set forth according to the requirements of Section 209.0061 of the Texas Property Code.

Property owners may have additional rights or relief under federal law including the Servicemembers Civil Relief Act (50 U.S.C. App, Section 501 et seq.), if the property owner is serving in active military duty in accordance with Section 209.007 of the Texas Property Code.

Property owners have the right to request a hearing with the board within 30 days from the date of the first letter mailed if they wish to dispute the violation allegations. The Association will follow the procedures and guidelines for the hearing as set forth in the Texas Property Code (Section 209.007).

The Association hereby adopts the following enforcement policy and schedule of fines:

Enforcement Procedure:

- 1. First Violation Notice:** The Board will notify the property owner by letter, sent via first class mail, giving the property owner 30 days from the date of the letter to correct the violation or to request a hearing before the board. Any initial fine will be assessed according to the Schedule of Fines.
- 2. Second Violation Notice:** If the violation is not corrected within 30 days of the first letter, and the owner has not requested a hearing, a second letter will be sent via certified mail allowing 30 additional days to correct the violation and will inform the property owner of an additional fine per the Schedule of Fines.
- 3. Third Violation Notice:** If the violation is not corrected within 30 days of the second letter, a final certified letter will be sent allowing 15 more days from the date of the third letter. If at the end of the final 15 days, the violation remains, the property owner will not be in good standing and will incur an additional fine per the Schedule of Fines.
- 4. Continued Violation:** If the property owner has not corrected the violation within the time allowed in the written notices, the violation will be considered a continued violation. The property owner's access card/key will be deactivated until the violation is corrected and all fines and reactivation fees are paid. The board may turn the violation over to the Association's attorney for further action if deemed necessary.
- 5. Repeated Violation:** A repeated violation is when a property owner repeats a corrected violation within six months in which prior written notice was first provided for the same violation. A repeated violation will result in an immediate fine being imposed and deactivation of the property owner's access card/key without the need for the

Association to provide additional written prior notice per the Texas Property Code Section 209.006

Schedule of Fines:

The following chart depicts the categories of violations and the related fine amount. The list is not to be considered complete or all inclusive. The board reserves the right to include other violations identified in the Governing Documents as well as the right to modify this Enforcement Policy and Schedule of Fines at any time as needed or to comply with changing State Laws when necessary.

<u>Curable Violation Categories</u>	<u>1st Notice</u>	<u>2nd Notice</u>	<u>3rd Notice</u>
Animal/Pet Violations	\$0.00	\$25.00	\$50.00
Ongoing/Excessive Noise Nuisance	\$0.00	\$25.00	\$50.00
Yard Maintenance	\$0.00	\$25.00	\$50.00
Automobile/Vehicle Violations	\$0.00	\$25.00	\$50.00
Serious Health Hazards ¹	\$50.00	\$100.00	\$200.00
Architectural Control Committee Violations ²	\$50.00	\$100.00	\$200.00

Non-Curable Violation Categories (Prior Written Notice Is Not Required Before Fine Is Assessed)

Personal Endangerment ³	\$50.00 immediate
Dump Violations ⁴	\$50.00 immediate
Misuse of Common Areas (Pool, Park, etc.)	\$50.00 immediate
Vandalism	\$50.00 immediate
Illegal Shooting of Fireworks (During a burn ban etc.)	\$50.00 immediate
Property Damage	\$50.00 immediate

In addition to the immediate fine being assessed for a Non-Curable violation, the property owner must comply with the necessary corrective action required to remedy the violation within 10 days of the notice or a 60-day suspension of the owners' right to use the common areas (dump or swimming pool) will be imposed by deactivating their access card/key. If a property owner's access card/key is deactivated, a \$10.00 reactivation fee and the fine must be paid for any Curable and Non-Curable violations, before the access card/key will be reactivated. Violations may also result in criminal charges being filed if the violation is considered criminal in nature.

¹An example of a Serious Health Hazard may include improper sewage disposal, or unsanitary conditions created by prohibited animals etc.

²Architectural Control Committee Violations (ACC) could be beginning a project before or without submitting an ACC application, beginning a project prior to ACC approval, or not complying with ACC/Deed Restriction guidelines etc.

³An example of personal endangerment may include wrong-way or reckless driving or irresponsible discharge of a firearm etc.

⁴Dump violations which may result in a fine are posted on the gate at the entrance of the dump and in the HOA Rules and Regulations Policy.

In addition, property owners are held responsible for any fine assessed related to a violation committed by a tenant/renter/family member.

This Enforcement Policy and Schedule of Fines is hereby adopted and approved by the Board of Directors of Birch Creek Forest Properties, Inc. (the 'Association') as set forth above, effective March 02, 2024, and now appears in the books and records of the Association shall recorded in the Official Public Records of Real Property of Burleson County, Texas.

TO CERTIFY which witness my hand this 7th day of March, 2024.

Birch Creek Forest Properties, Inc.

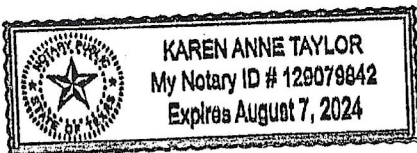
By: Renita Odstrcil
Renita Odstrcil, President

THE STATE OF TEXAS

COUNTY OF BURLESON

BEFORE ME, the undersigned notary public, on this 7th day of March, 2024,

Personally appeared Renita Odstrcil, President of Birch Creek Forest Properties, Inc., known to me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.



Karen Anne Taylor

Notary Public in and for the State of Texas



VG-3168-2024-1152

**Burleson County
Anna L. Schielack
Burleson County Clerk**

Instrument Number: 1152

Real Property Recordings
DEED RESTRICTIONS

Recorded On: March 18, 2024 04:23 PM

Number of Pages: 4

" Examined and Charged as Follows: "

Total Recording: \$33.00

******* THIS PAGE IS PART OF THE INSTRUMENT *******

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.

File Information:

Document Number: 1152
Receipt Number: 20240318000008
Recorded Date/Time: March 18, 2024 04:23 PM
User: Rachel E
Station: Clerk02

Record and Return To:

BIRCH CREEK FOREST PROPERTIES INC
202 BIRCH CREEK DR
SOMERVILLE TX 77879



**STATE OF TEXAS
Burleson County**

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Burleson County, Texas

Anna L. Schielack
Burleson County Clerk
Burleson County, TX