

## **BIRCH CREEK FOREST PROPERTIES, INC**

### **ENFORCEMENT, FINES AND FEES POLICY**

The forgoing Enforcement, Fines, and Fees Policy is to ensure compliance with the Governing Documents of Birch Creek Forest Properties, Inc. (the "Association") and is established in accordance with the requirements of *Texas Property Code Section 209.0061*.

Members 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.

Members have the right to request a hearing with the board within thirty (30) days from the date of the certified notice mailed if they wish to dispute the violation. The Association will follow the procedures and guidelines for the hearing as set forth in the *Texas Property Code Section 209.007* and in accordance with the Association's *Board Hearing Policy and Procedures*.

The Association hereby adopts the following Enforcement Procedures, Schedule of Fines, Schedule of Fees and Schedule of Administrative Fees:

#### **Enforcement Procedure:**

- 1. Initial Notice:** The Board may, but is not required to, issue a courtesy call, email, or informal notice prior to sending a certified notice for a first-time violation.
- 2. Formal Notice:** The Board will notify the Member by certified mail for all violations and noncompliance offenses detailing the violation and any fines and fees imposed or which may be imposed. The Member will have thirty (30) days from the date of the mailed notice to correct a curable violation or to request a hearing before the Board.
- 3. Final Notice:** If the violation is not corrected within thirty (30) days of the formal notice, and the Member has not requested a hearing, a final notice will be sent by certified mail allowing 15 additional days to correct the violation. Any additional fines and fees will be imposed in accordance with the Schedule of Fines and Schedule of Fees.
- 4. Continued Violation:** If the Member still fails to comply after all notices are sent, or if the dispute remains unresolved after a Board hearing and is deemed by the Board to warrant further resolution, the matter shall proceed to mandatory mediation in accordance with the Association's Alternative Dispute Resolution Policy. If mediation does not resolve the issue, the Association shall submit the matter to binding arbitration. Until resolved, the Member's access card will be deactivated and shall remain so until the violation is corrected or resolved and all fines and reactivation fees are paid.
- 5. Repeated Violation:** A repeated violation is when a Member 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 Member's access card without the need for the Association to provide additional written prior notice in accordance with *Texas Property Code Section 209.006*.

### **Schedule of Fines:**

The following Schedule of Fines 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, fines or fees deemed necessary in accordance with the Association's dedicatory instruments, as well as the right to modify the Schedule of Fines below, at any time needed or to comply with changing State Laws when necessary and in accordance with Texas Property Code.

| <b><u>Curable &amp; Noncompliance Categories</u></b><br>(Fine will be imposed if the violation is not cured within 30 days from the date the notice was mailed. A Member also has 30 days from the date the notice was mailed to request a hearing with the Board.) | <b>Formal Notice</b> | <b>Final Notice</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------|
| 1. Animal/Pet Violations                                                                                                                                                                                                                                            | \$50.00              | \$100.00            |
| 2. Ongoing/Excessive Noise Nuisance- Any Type                                                                                                                                                                                                                       | \$50.00              | \$100.00            |
| 3. Yard Maintenance (Does not include watering bans)                                                                                                                                                                                                                | \$50.00              | \$100.00            |
| 4. Automobile/Vehicle Violations                                                                                                                                                                                                                                    | \$50.00              | \$100.00            |
| 5. Failure to Provide Dump Receptacle if Required                                                                                                                                                                                                                   | \$75.00              | \$150.00            |
| 6. Rental Tenant Violations or Noncompliance                                                                                                                                                                                                                        | \$100.00             | \$200.00            |
| 7. Failure to submit an ACC Application <sup>1</sup>                                                                                                                                                                                                                | \$100.00             | \$200.00            |
| 8. Failure to Participate in Mediation/Arbitration                                                                                                                                                                                                                  | \$200.00             | \$300.00            |

| <b><u>Non-Curable Violation Categories</u></b><br>(A Member has 30 days from the date the notice was mailed to request a hearing with the Board. Fines are imposed immediately.) | <b>(Prior Notice Is Not Required but Formal Notice with Details Required to be Sent)</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1. Golf Cart Violations                                                                                                                                                          | \$75.00 immediate                                                                        |
| 2. Misuse of Common Areas (Pool, Park, Helipad, etc.)                                                                                                                            | \$75.00 immediate                                                                        |
| 3. Dump Violations <sup>2</sup>                                                                                                                                                  | \$75.00 immediate                                                                        |
| 4. Personal Endangerment <sup>3</sup>                                                                                                                                            | \$100.00 immediate                                                                       |
| 5. Vandalism                                                                                                                                                                     | \$100.00 immediate                                                                       |
| 6. Use of another Member's Access Card for the Pool or Dump                                                                                                                      | \$100.00 immediate                                                                       |
| 7. Illegal Shooting of Fireworks (If under County burn ban etc.)                                                                                                                 | \$100.00 immediate                                                                       |
| 8. Property Damage                                                                                                                                                               | \$100.00 immediate                                                                       |
| 9. Commercial Waste Violations                                                                                                                                                   | \$100.00 immediate                                                                       |
| 10. Serious Health or Safety Hazard <sup>4</sup>                                                                                                                                 | \$150.00 immediate                                                                       |
| 11. Rental Tenant Violation of Any of the Above                                                                                                                                  | \$150.00 immediate                                                                       |
| 12. Voting Integrity and Misconduct                                                                                                                                              | \$200.00 immediate                                                                       |

<sup>1</sup>Architectural 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.

<sup>2</sup>Dump violations which may result in a fine are posted on the gate at the entrance of the dump and in the ***Rules and Regulations Policy*** and ***Dump Facility Use Agreement***.

<sup>3</sup>Examples of personal endangerment may include wrong-way or reckless driving of automobiles or golf-carts, irresponsible discharge of a firearm, owning dangerous animals, illegal activities, tampering with electrical panels, gas lines, water lines or fire safety equipment in the subdivision etc.

<sup>4</sup>Examples of serious health or safety hazards may include improper sewage disposal, unsanitary conditions caused by animals (whether permitted or prohibited), poor air quality, unsafe structures, unfenced pools, exposed wiring, fire risks, and similar threats to public health or safety.

In addition to any immediate fine assessed for a serious health or safety violation or other non-curable violation, the Member's access card will be suspended for 30 days. To reactivate the access card, the property owner must pay all outstanding fines and a \$50.00 reactivation fee. If the violation is criminal in nature, the Association may refer the matter to law enforcement. Members are responsible for any fines resulting from violations committed by their tenants, guests, family members, or other invitees.

#### **Schedule of Fees:**

The following Schedule of Fees depicts fees for assessments and amenity usage. The list is not to be considered complete or all inclusive. The Board reserves the right to include other fees as deemed necessary as well as the right to modify the Schedule of Fees below at any time needed or to comply with changing state laws when necessary and in accordance with Texas Property Code.

| <b><u>Assessments and Amenities</u></b>                               | <b>Fee Amount</b> |
|-----------------------------------------------------------------------|-------------------|
| Annual Maintenance Fees                                               | \$99.00/per lot   |
| Pool Access for Members                                               | \$50.00/year      |
| Pool Access for Tenants/Renters (Access Card MUST be in Owner's Name) | \$50.00/year      |
| Park and Pool Bathrooms/Bathhouse                                     | Included          |
| Recreational Facilities (Courts, etc.)                                | Included          |
| Community Park                                                        | Included          |
| Community Center Rental- Members                                      | \$100.00/day      |
| Community Center Rental- Members (public event or community use)      | Included          |
| Community Center Rental- Tenants                                      | \$150.00/day      |
| Dump Facility and Brush Burning                                       | Included          |
| Park Pavilions                                                        | Included          |
| Street Lighting                                                       | Included          |
| Groundskeeping                                                        | Included          |
| Pond Access (Catch and Release Only)                                  | Included          |

**Schedule of Administrative Fees:**

The following chart depicts the fees for various administrative situations. The list is not to be considered complete or all inclusive. The Board reserves the right to include other Fees which may be identified in the dedicatory instruments as well as the right to modify the below Administrative Fees Schedule at any time as may be needed or to comply with changing state laws when necessary.

|                                       |                                     |
|---------------------------------------|-------------------------------------|
| Variance or Exception Requests        | \$100.00 plus County filing fees    |
| Owner Transfer Fee                    | \$350.00                            |
| Resale Certificate Fee                | \$100.00                            |
| Updated Resale Certificate            | \$50.00                             |
| Expedited Transfer Fee                | \$50.00                             |
| Copies of Records etc.                | See Records Production Policy       |
| Late Fees for Annual Maintenance Dues | \$10.00/per lot for each month late |
| Mailing Fee for Violation Notices     | \$25.00 per notice                  |
| Access Card Reactivation Fee          | \$50.00 per incident                |
| Access Card Replacement Fee           | \$50.00 per incident                |

**CERTIFICATION**

This Enforcement, Fines and Fees Policy was amended and adopted by the Board of Directors of Birch Creek Forest Properties, Inc., as set forth above, effective July 12, 2025, and now appears in the books and records of the Association and shall be recorded in the Official Public Records of Real Property of Burleson County, Texas.

President: Reyita Odstrcil

Printed Name: Reyita Odstrcil

Vice-President: Scott Howard

Printed Name: Scott Howard

Secretary: John J. Dunkleman

Printed Name: John J. Dunkleman

Treasurer: Ann Marie Gallagher

Printed Name: Ann Marie Gallagher

Asst. Sec./Treasurer: Dennis Shook

Printed Name: Dennis Shook

### PRESIDENT'S CERTIFICATION

I, **Renita Odstrcil**, as the duly elected President of Birch Creek Forest Properties, Inc., hereby certify that the foregoing amended Enforcement, Fines and Fee Policy of Birch Creek Forest Properties, Inc. has been adopted in accordance with the governing documents of the Association and applicable state laws.

IN WITNESS WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day, July, 2025



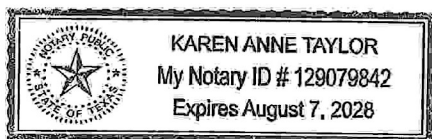
Renita Odstrcil, President  
Birch Creek Forest Properties, Inc.

STATE OF TEXAS

COUNTY OF BURLESON

Before me, the undersigned notary public, on this 18<sup>th</sup> day, July, 2025 personally appeared Renita Odstrcil, President of Birch Creek Forest Properties, Inc. who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and in the capacity therein expressed.

WITNESS my hand and official seal.



Notary Public in and for the State of Texas