



Quail Creek Homeowners Association
QCHOA INC.

FINE AND ENFORCEMENT POLICY

The following Fine and Enforcement Policy (the "**Policy**") is established by the Board of Directors (the "**Board**") of QCHOA, Inc. (the "**Association**");

1. Any condition, use, activity, or improvement which does not comply with the most recently recorded Declaration of Covenants, Conditions and Restrictions Applicable to Quail Creek, City of McLendon-Chisolm, Rockwall County, Texas, currently filed in the real property records of Rockwall County, Texas on May 29, 2015 as document no. 209-00427472 (the "**Restrictions**") and/or any rule(s), regulation(s) and/or policies of the Association shall constitute a "**Violation**" under this Policy.

2. If, after receiving Notice of a Violation (the "**Notice**"), a property owner fails to cure the Violation within thirty (30) days thereafter, the Association may assess a fine between fifty dollars (\$50.00) and up to the then in effect Association's Regular Assessment (a "**Fine**") based on the following:

- a. For homeowners without a prior violation for the same offense the next notice is assessed at \$50 per day, up to the then in effect Association's Regular Assessment.
- b. For homeowners with a history of violations for the same offense the next notice is automatically assessed at \$100 per day, up to the then in effect Association's Regular Assessment.
- c. Once a homeowner has met the amount of then in effect Association's Regular Assessment the Board will engage a licensed attorney to provide legal advice on the matter and/or represent the Association in legal action against the homeowner that may include, but is not limited to, formal demand letters, negotiating with a homeowner's legal counsel, and/or filing suit against a homeowner in a court of law. All actions taken by Association's attorney on behalf of the Association against the homeowner shall be reimbursed by the homeowner, including reasonable attorney's fees.

3. The Notice provided hereunder shallⁱ

- a. describe the violation that is the basis of the potential Fine and inform the Owner that he or she (i.) is entitled to a reasonable period to cure the violation and avoid the Fine if the

violation is of a curable nature and does not pose a threat to public health or safety unless the Owner was given Notice and a reasonable opportunity to cure a similar violation within the preceding six months; (ii.) may request a hearing before the Board on or before the 30th day after the date the notice was mailed to the Owner; and (iii.) may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act if the owner is serving on active military duty;

- b. specify the date, which must be a reasonable 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
- c. be sent by certified mail to the Owner's last known address as shown on the Association records.
- d. If the Owner cures the violation before the expiration of the period for cure described by Subsection (3b), a fine may not be assessed for the violation.
- e. For purposes of this section,
 - 1.) a violation is considered a threat to public health or safety if the violation could materially affect the physical health or safety of an ordinary resident.
 - 2.) a violation is considered incurable if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action. For purposes of this subsection, the nonrepetition of a one-time violation or other violation that is not ongoing is not considered an adequate remedy. The following are *examples* of acts considered incurable for purposes of this section: (i.) shooting fireworks; (ii.) an act constituting a threat to health or safety; (iii.) a noise violation that is not ongoing; and (iv.) property damage, including the removal or alteration of landscape. The following are examples of acts considered curable for purposes of this section: (i.) a parking violation; (ii.) a maintenance violation; (iii.) the failure to construct improvements or modifications in accordance with approved plans and specifications; and (iv.) an ongoing noise violation such as a barking dog.

4. All requests for a hearing before the Board as contemplated in Section 3(a) (ii) above shall be made in writing and sent to the Association by verified mail to the HOA's official mailing address that is listed on the QCHOA's official website (www.quailcreekrockwall.org), or to such other location or by such other means as designated by the Association from time to time.

5. A Fine assessed by the Board may only be overturned by a vote of seventy-five percent (75%) of the Members present at a regularly scheduled Association Meeting at which a quorum is present. An Owner must be given an opportunity to appeal a fine before fines can be collected.ⁱⁱ

This policy shall supersede and render null and void any previously adopted priority of payment/payment plan policy to the extent that the terms of such policy are contradictory.

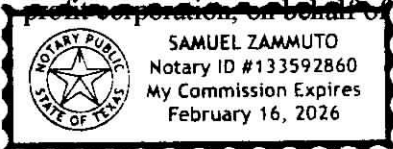
The foregoing Fine and Enforcement Policy was duly adopted by the Board of the Association on the 17th day of October, 2022.

QCHOA, INC.

By: *Robert Steinhagen*
Robert Steinhagen, President

STATE OF TEXAS §
 §
COUNTY OF ROCKWALL §

This instrument was acknowledged before me on this 24TH day of FEBRUARY, 2023 by (name) ROBERT STEINHAGEN, the (title) PRESIDENT of QCHOA, Inc., a Texas non-profit corporation, on behalf of said corporation.



Samuel Zammuto
Notary Public, State of Texas

ⁱ Property Code Title 11, § 209.006 Added by Acts 2001, 77th Leg., ch. 926, Sec. 1, eff. Jan. 1, 2002. 34 Amended by: Acts 2011, 82nd Leg., R.S., Ch. 252 (H.B. 1127), Sec. 3, eff. January 1, 2012. Acts 2015, 84th Leg., R.S., Ch. 1183 (S.B. 1168), Sec. 17, eff. September 1, 2015. Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 14, eff. September 1, 2021.

ⁱⁱ QCHOA CC&R Subsection 7.15(b).

Filed and Recorded
Official Public Records
Jennifer Fogg, County Clerk
Rockwall County, Texas
02/24/2023 03:25:38 PM
\$34.00
20230000002798



Jennifer Fogg