

# **The Fairways at Firewheel Homeowners Association**

**To: The Fairways at Firewheel Homeowners Association Members**

**From: The Board of Directors**

**Re: Change to Enforcement of Landscape Guidelines. New Enforcement Procedure. March 28, 2007**

The Board of Directors for the Fairways at Firewheel Homeowners Association has been working with the Architectural Control Committee and the Landscape Committee to identify areas of concern in regards to landscaping around our community and to identify the procedures for enforcing the guidelines identified in the landscape declaration. (Refer to Declaration of Guidelines and Restrictions of Landscape/Lawn for the Fairways at Firewheel.)

While the restrictions and standards may seem constrictive to some homeowners, these items are designed to promote and enhance the harmony, value and aesthetics of the neighborhood as a whole. It is important that each homeowner make an effort to adhere to the guidelines identified in the Declaration. The Board has decided on the following enforcement policy for our Association.

Once the Architectural Control Committee has identified a violation the following process will be initiated to inform homeowner of the violation(s), the steps to correct it and the time to cure.

1. A courtesy letter will be sent by Excel which will identify the violation(s), the steps to take to cure the violation(s), and a 10 day timeline to cure the violation(s). The owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the issue before a committee appointed by the Board of Directors.
2. If the requirements of step 1 are not met or appropriate written response has not been received within the 10 day timeline, a NOTICE OF VIOLATION will be mailed out via 1st Class Mail (Delivery Confirmation). The letter will identify the violation(s), the steps to cure the violation(s) an additional 10 day timeline to cure the violation(s), and a \$ 25.00 fine will be incurred.
3. If the requirements of Step 2 are not met or appropriate written response has not been received within the 10 day timeline, a STATUTORY NOTICE will be mailed to the Homeowner via 1st Class Mail and or Certified Mail by EXCEL. The letter will identify the violation(s). It will also inform the Homeowner that he/she has 30 days to request (in writing) a hearing before the Board to discuss the violation(s), and to work towards a resolution. The letter will inform the

owner that if the violation(s) is not cured, and the hearing is not requested, or the requested hearing does not resolve the violation(s), the Association will reserve the right to hire an attorney to pursue the appropriate legal activities to eliminate the violation. The fine for the statutory notice is \$ 100.00. The Association will also attempt to collect any legal fees or other costs incurred from that point forward from the offending homeowner.

4. If the requirements of Step 3 are not met, an Attorney Demand Letter will be written by the Association's Attorney and mailed to the homeowner via 1st Class Mail and/or Certified Mail. Among other things, this letter will provide a 3 day time period to cure the violation(s) a warning that a "Notice of Violation of Restrictive Covenants" will be filed in the deed records against the offending property. An additional fine of \$ 150.00 for the Attorney Demand Letter will be accrued.
5. If the requirements of Step 4 are not met, the Association will instruct the Attorney to file a "Notice of Violation of Restrictive Covenants" in the deed of records against the Property and to file LITIGATION against the homeowner. The Association will seek injunction by the Court to require a Homeowner to cure the violation(s). The Association will also request the Court to award attorney's fees incurred and "Civil Damages" in the amount of up to \$200.00 for each day the violation has been in existence as allowed by the Texas Property Code (the award of the attorney's fee and "Civil Damages" is entirely discretionary with the Judge).
6. If the violation is corrected and the fine is not paid within 30 Days an additional \$45.00 charge will be added to their account each month until paid in full. The Board reserves the right to pursue collection of all late fees and fines with every means available, including liens on property and in extreme instances, foreclosure. This change will be effective March 28, 2007.
7. It is not the goal of the Association to resort to Steps 3-6. Rather, it is the hope of the Board that each Homeowner will responsibly fulfill their duty to adhere to the Landscaping Guidelines of the Association. The responsible actions of the individual Homeowners are the single largest contributor to creating a successful, cohesive and harmonious community. However, the Association will take action to promote and enhance the beauty, value and aesthetics' of the neighborhood as a whole.

Board of Directors  
Fairways at Firewheel Homeowners Association