



70 2012 00080211

Denton County
Cynthia Mitchell
County Clerk
Denton, TX 76202

Instrument Number: 2012-80211

As

Recorded On: July 25, 2012

Misc General Fee Doc

Parties: TIMBERVIEW ESTATES WEST HOA

Billable Pages: 9

To

Number of Pages: 9

Comment:

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Misc General Fee Doc	48.00
Total Recording:	48.00

***** DO NOT REMOVE. 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: 2012-80211

Receipt Number: 930235

Recorded Date/Time: July 25, 2012 10:18:56A

User / Station: S Parr - Cash Station 3

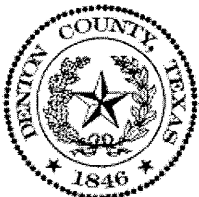
Record and Return To:

PREMIER COMMUNITIES

3102 OAK LAWN AVE

STE 202

DALLAS TX 75219



THE STATE OF TEXAS }
COUNTY OF DENTON }

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 Denton County, Texas.

C Mitchell

County Clerk
Denton County, Texas



PROMULGATED RULES/ACC GUIDELINES

The following guidelines are not intended to be all inclusive, but rather a guide to help clarify and expand upon the original Covenants, Conditions & Restrictions (CC&Rs). Please remember that these are an addition to, not a replacement of, our CC&Rs.

These guidelines will fall under the existing fine structure. Please incorporate this document with your copy of the original CC&Rs. The intent of all of our HOA guidelines is to help safeguard the property value of every homeowner and the welfare of our community.

Storage Shed/Detached Addition/Patio Covers

- A full application is required for all storage sheds which must include a site plan which shows the relationship of the shed to the adjacent house and property lines, a picture and/or detailed drawing of the shed to include dimensions, and a description of the materials to be used including color.
- Storage shed must be located in the rear yard and must be placed 3' from the fence and 5' from the house or other structure (per City code).
- Storage shed must not be visible from any public street or common property.
- Maximum of one (1) storage shed per lot.
- Maximum height of eight (8) feet.
- A full application is required for all Gazebos, Patio Covers, Trellises and Arbors and must be approved by the Architectural Control Committee.
- Detached addition such as an arbor must be located in the rear yard and must be placed 5' from the fence or house (per City code).
- Patio covers or attached structures must not extend beyond the sides of the home.
- All gazebos, patio covers, trellises and arbors must compliment the main dwelling.
- If shingled, shingles must be of the same type and color as the main dwelling.
- No metal patio covers and/or carport structures are permitted.
- Portable basketball goals must be anchored according to manufacturer design and permanent goals must be mounted on an in-ground pole and ACC approval is required prior to installing.
- Basketball goals that are not constructed of transparent acrylic material must be maintained on a regular basis-no worn basketball goals are permitted.

Landscape Flowerbeds and Tree Well Borders

- A full application is required for any/all exterior modifications, additions or installations and must be approved by the Architectural Control Committee.
- Borders for landscape beds, flowerbeds and tree wells shall be in a location and of a material approved by the ACC.
- If building brick, rock or stone is used as a border, it must be done so using mortar, must be footed and installed in a professional manner with the holes not facing the street.
- Borders that are made specifically for the purpose of lining beds may be used without mortar, but the owner is responsible to ensure that the materials are aligned in an attractive manner at all times.
- Tree wells are not required however tree wells must be maintained and require an approved tree.



Planting and Trees

- Applications are not required for seasonal color plantings (annuals); however a complete application is required for trees, shrubs, hedges, climbing vines or flowers and bushes.
- No live tree shall be removed without the approval of the ACC.
- If a tree is removed it must be replaced with a tree listed on the Town of Flower Mound Approved Tree List.

Fences

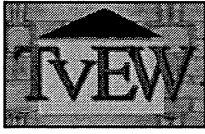
- Six (6) foot, wood fences, with a wood tone stain do not require ACC approval but do require a City permit if the poles are being replaced.
- Fences or walls within the property shall be of wood materials (except structural components), have a height of six (6) feet, and have vertical installed slats. Paint is not allowed to be used on the fences. The design of all fences shall be compatible and harmonious with the style of the community as determined by the Architectural Control Committee (ACC), in its sole discretion.
- No fences of any kind may be erected or placed in front of the main dwelling.
- No fence, wall or hedge shall exceed six (6) feet in height unless specifically approved by the Architectural Control Committee.
- Fences must be erected with the good side out (wood/metal posts not showing).
- Fences connecting to a lower height fence must be tapered to meet the lower fence.
- All retaining walls must be approved by the ACC before construction.
- All fences and walls must be maintained in a neat and attractive manner at all times.
- Every Lot must have a fence. The fence must comply with the above standards and cannot be avoided by failing to erect a fence or removing a fence in lieu of bringing it into compliance with the above guidelines.

Recreational Equipment

- Play/recreational equipment must be located in the rear yard.
- Play equipment cannot exceed twelve (12) feet in height, unless approved by the ACC.
- Equipment placement (including pool pump equipment) must be discreetly located so as not to cause a nuisance to neighbors.
- Awnings, coverings or banners must be maintained in a neat and attractive condition; worn awnings, coverings or banners must be replaced immediately.

Lighting (Residential)

- A full application is required for any lighting modifications or installations and must be approved by the Architectural Control Committee.
- The replacement of an existing outdoor light fixture, if accomplished with a realistic match to the old fixture, does not require approval from the ACC. If a change in style, size, shape, color or positioning is desired, or if additional light fixtures are to be installed on existing or new structures, an application is required.
- Permanent lighting and wiring requires a full application.
- Exterior lighting may not shine on adjacent properties or public places, and should be aesthetically planned for each location.



- Floodlights and various types of high output lights fall under the category of security lighting. While aesthetically pleasing and an asset to your home value, exterior lighting of this type must be considered more carefully because of the impact on neighboring properties. Light fixtures of this type should be carefully aimed so that they illuminate only on a specific area, such as a doorway or home front. Some high output light fixtures may have to be shielded in a manner similar to some streetlight installations to prevent light from spilling over from one property to another.
- Temporary lighting for decoration, and holiday use, does not require a formal application. Holiday lighting may be operative for a period not to exceed six (6) weeks.

Vehicles

- Trailers are not allowed overnight unless they are being used at the property for construction.
- Recreational vehicles, non-passenger vehicles, boats and boat trailers should be stored out of public view as specified by the TEW HOA Declaration Article 8.5.
- Storage of inoperable vehicles in public view is not permitted.

Garbage

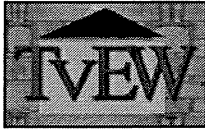
- Trash and recycle receptacles shall be placed out no sooner than the evening before trash pickup.
- Trash and recycle receptacles should be stored back on the side of the home by 8:00a.m. the morning after trash collection.

Maintenance

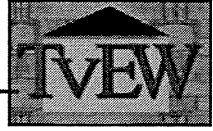
- Any owner or occupant of any residence shall have the duty of and responsibility for keeping property he/she owns or occupies, and the improvements thereon, in a well maintained, safe, clean and attractive condition at all times which includes retaining walls, painting and other maintenance items.
- Exterior surfaces must be kept clean of paper, debris and refuse; dead trees and plants must be promptly replaced; and dull and/or peeling exterior paint must be replaced.
- Landscape must be continuously maintained at all times including, but not limited to: mowing, watering, fertilizing, weeding, edging replanting, and replacement of dead and/or diseased plant materials.
- The front yard should consist of grass, groundcover, shrubs, flower beds and trees. No entire front yard of rock is allowed.
- Exterior paint on the home must be maintained to prevent fading, peeling, and cracking. The color on the home must remain a neutral color and must be approved by the ACC.
- Dead trees must be replaced with an approved tree. Any tree, whether dead or alive, that poses a safety Hazard, must be removed.

Signage

- "Home for Sale" signs of tasteful design and customary dimensions (2'x 3' maximum) which must be fastened only to a stake in the ground no higher than 3' are permitted. Only one (1) realtor sign may be posted in the front yard.
- "Spirit" signs that announce the involvement of teenagers/children in athletics or school programs may be posted near the front of the home in the flower beds.
- "Political" signs of tasteful design that do not exceed 6 square feet may be posted a maximum of 90 days before an election and must be removed within 15 days after. No more than 3 political signs will be permitted. Additional restrictions are listed in the CC&R.



Timberview Estates West HOA
www.timberviewstateswest.com



- “Company advertisement” signs for businesses that provided work for the resident, i.e. fence company, painter, Pool Company, etc. may be posted on the day work commences and must be removed within 5 business days after completion.
- One (1) security and one (1) no soliciting sign, no larger than one square foot each, will be permitted but must be placed near the front of the home in the flower beds or in a front window.
- Temporary holiday and special occasion signs (i.e. Birth announcements) may be displayed for a period not to exceed 14 days.

RESOLUTION

TIMBERVIEW ESTATES WEST HOMEOWNERS ASSOCIATION

Fining Policy

WHEREAS, Section 8.01(m) of the By-Laws and 3.2(e) of the Covenants, Conditions, and Restrictions grants the Board of Directors the authority and power to enforce the Covenants, Conditions, and Restrictions, which may include the establishment of a system of fines and/or penalties enforceable as a specific assessments, and;

WHEREAS, the Board finds there is a need to establish orderly procedures for the enforcement of the other provisions of the Declaration and the rules promulgated there under in order to encourage owners to comply with the Associations governing documents; and

WHEREAS, the Board also desires to establish a system of fines as a means to enforce compliance with the Association's governing documents;

NOW, THEREFORE, IT IS RESOLVED that the following procedures and practices are established for the enforcement of the provisions of the Declaration and for the elimination of violations of the Declaration and the rules promulgated there under.

- 1. PROCESS OF NOTIFICATION** – Prior to imposing a fine, the Board must give an owner a written notice of violation and an opportunity to cure the violation. The following steps must be followed with supporting documentation kept on file in order to impose a fine:
 - a. **First Notice** – As soon as a violation is discovered, the Association's management agent ("Management") shall make the owner and resident, if different than the owner, aware of the discovered violation by First-Class Mail. Included in the First Notice will be a reference to the provision of the CC&R's or adopted rules, which contains the violation, what specifically must be done to cure the violation, and a statement that no later than fourteen (14) days from the date of the Notice the violation must be cured.
 - b. **Second Notice** – If the owner fails to correct or eliminate the violation within the initial fourteen (14) day compliance period, Management shall notify the owner and the violator, if different than the owner, by First-Class Mail that the violation previously noted in the 'First Notice' has not been resolved. The second notice shall contain the following information:
 - i. A description of the violation and what specifically must be done to cure the violation;
 - ii. A statement that not later than fourteen (14) days from the date of the Second Notice, the violation must be cured.
 - c. **TROPA Notice** – Where management has observed the violation uncorrected and not received a Notice of Intent to Correct (whether written or verbal) within the allotted fourteen (14) day period noted in the 'Second Notice', Management shall

initiate a TROPA Notice in compliance with section 209 of the Texas Residential Owners Protection Act. This notice shall state:

- i. The nature of the violation;
- ii. That the owner or violator, if different than owner, no later than thirty (30) days from the date of the TROPA Notice, must cure the violation;
- iii. That their common area privileges may be suspended;
- iv. That a fine for non-compliance may be applied against the owners account for not curing the violation within the specified period of time contained in the TROPA notice;
- v. A statement that the owner may present a written request to the Board of Directors for a hearing within 30 days from the date of the TROPA Notice.

d. Notice of Fine Application – Where management has observed the violation uncorrected and not received a Notice of Intent to Correct (whether written or verbal) within the allotted thirty (30) day period noted in the TROPA Notice, Management shall notify the owner and the violator, if different than owner, by First Class Mail that a fine is being applied to the owner’s assessment obligation and their Common Area privileges have been suspended. The Notice of Fine Application shall contain the following information:

- i. The nature of the violation;
- ii. The amount of the fine and the date the fine has been imposed;
- iii. A statement that the owner may present a written request to the Board of Directors for a hearing within thirty (30) days from the date of the Notice of Fine Application’

2. **APPEAL PROCESS** – The following steps should be provided in the case where a homeowner has been given appropriate notice of a violation and has submitted to the management company a written appeal to the application of a fine within the specific period of time:

- a. Response to Request for Hearing – if the owner timely requests a hearing to challenge the proposed action, a hearing before the Board of Directors shall be held in executive session affording the owner a reasonable opportunity to be heard. The Board shall send notice to the owner of a mutually agreed time, date, and place of a hearing with an invitation to attend and produce any statements, evidence, and witnesses in support of the owner’s challenge to the proposed fine application or violation. The minutes of the meeting shall contain a written statement of the owner’s reason for non-compliance and the results of the hearing (whether the fine is applied or not). The decision of the Board will be made in executive session after the homeowner has been excused from the meeting.
- b. Notification of Hearing Decision – within ten (10) days of the appeal hearing the Board shall send notices as to their decision providing a support response for their decision. Any reasonable extension of time required by the Board shall also be noted in the response.
- c. Waiver of Fines (correspondence) – contained within any correspondence sent to a homeowner where a fine is applied, will be a notation to the homeowner that they may request waiver of the fine by appealing to the Board of Directors in writing after the violation is cured.

3. FINES AND OTHER FEES

a. Finning Schedule – the imposition of fines per incident type will be on the following basis:

i. First fine - \$50.00 per incident type.

ii. Additional fines - \$50.00 per inspection where the violation per incident type has not been cured.

iii. Aggregate limit – there is not limit to the number of fines applications for separate violations.

4. **CURE OF VIOLATION DURING ENFORCEMENT** – an owner may correct or eliminate a violation at any time during the pendency of any procedure prescribed by this policy. Upon verification that the violation has been corrected or eliminated, the violation will be deemed to no longer exist. Unless proper appeal process is followed and fines removed, the owner will remain liable for all costs and fines under this policy, which costs and fines, if not paid upon demand, will be referred to a 3rd Party for collection.

5. **ONE TIME COURTESY WAIVER OF FINES** – at any time during the process, the Board of Directors consents to a one-time waiver of fines upon request of the owner, provided that all violations have been adequately cured. This one-time waiver shall be granted only once, and any subsequent violations or fines shall not be eligible for waiver.

**TIMBERVIEW ESTATES WEST
HOMEOWNERS ASSOCIATION, INC.**

RESOLUTION

The Board of Directors for Timberview Estates West Homeowners Association, Inc. resolves to adopt the attached Promulgated Rules and Fining Policy.

EXECUTED as this 18th day of July, 2012.

Name: Gerald Leeseberg
Title: PRESIDENT
Date: 07/18/12

STATE OF TEXAS §
COUNTY OF Denton §
§

This instrument was acknowledged before me on the 18th day of July, 2012, by Gerald Leeseberg, President of Timberview Estates West Homeowners Association Inc., a Texas non-profit corporation, on behalf of said corporation.

Carmen Montes
Notary Public, State of Texas

AFTER RECORDING RETURN TO:
Premier Communities
3102 Oak Lawn Avenue, Suite 202
Dallas, Texas 75219

