

**NOTICE OF DEDICATORY INSTRUMENTS**

Declaration of Covenants, Conditions and Restrictions: Recorded at Volume 11637, Page 0225, Real Property Records, Travis County, Texas, and as thereafter amended.

Association: Legend Oaks Homeowners Association 2, Inc.

Subdivision Name: Legend Oaks 2

Pursuant to Texas Property Code §202.006, the Association gives notice that all property subject to the Declaration referenced above is also subject to the following dedicatory instruments:

1. General Maintenance and Appearance Guidelines, attached as **Exhibit A**;
2. Enforcement and Fine Policy, attached as **Exhibit B**, replacing the Enforcement and Fine Policy recorded as Exhibit F in document 2012000766, Official Public Records, Travis County, Texas.

Each dedicatory instrument is complete, correct, and current as of the date of this Notice, but may be amended from time to time. A current copy of each dedicatory instrument can be obtained from the Association's managing agent, Goodwin Management, Inc., 11149 Research Boulevard, Suite 100, Austin, Texas 78759, or the successor managing agent shown in the most recent management certificate recorded in the County property records.

EXECUTED this 21 day of June, 2012.

LEGEND OAKS HOMEOWNERS
ASSOCIATION 2, INC.

By: 

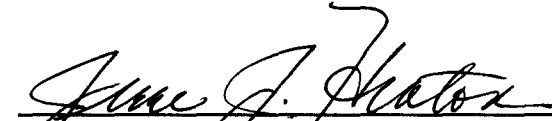
Nikki Tate, president

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 21st day of June, 2012, by Nikki Tate, president of Legend Oaks Homeowners Association 2, Inc., on behalf of said corporation.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AFTER RECORDING RETURN TO:
Arnold & Associates, PC
406 Sterzing St.
Austin, Texas 78704

Exhibit A

Legend Oaks II General Maintenance & Appearance Guidelines

APPEARANCE:

- Except on pick-up days, trash cans and recycle bins are to be located out of sight (whether it is behind a bush, fence, lattice panel) when viewed from the street or sidewalk.
- Trash cans and recycle bins shall be placed curbside and removed according to City of Austin Ordinance
- Recycle brown bags shall be stored with trash cans/recycle bins until ready for placement curbside according to the City of Austin Ordinance
- No window-type air conditioning units are allowed on the home or on any garage or shed
- Playscapes and trampolines are acceptable; no ACC approval is necessary as long as the play structure is portable/readily movable. Structures that are set in concrete or cement must be approved by the ACC.
- Sport courts require ACC Approval
- Basketball goals shall be maintained at all times with complete nets, rims and backboards.
- Basketball goals should not be stored in a manner which blocks sidewalks or is a hazard to vehicles, bicycles or pedestrians in the street
- Holiday decorations may remain on display no more than 30 days past the holiday date.
- Signs may be displayed in the front yard as long as the sign does not exceed 600 square inches (20"x30"). Types of signage to which this guideline refers relates to sport or school affiliation, contractor, etc, but not political signs which are subject to a separate rule.
- No foil or reflective window coverings are allowed
- Mold/Black spots in high moisture areas of home exteriors that are visible from the street must be removed promptly

CONSTRUCTION:

- Installation of new improvements, and modification of existing structures/improvements, must have ACC approval before construction/installation
- Shed materials must be built of same exterior materials and colors as the main home with matching color (same siding and roofing, same color roof and paint)
- No plastic or composite type material may be used on sheds or storage buildings without express ACC approval
- Lattice panels are acceptable to screen utility boxes/trashcans/recycle bins as long as the panels are wood and have been approved by the ACC before installation

FENCING:

- Any changes to the original design or materials must be approved by the ACC prior to installation
- No PVC, plastic, or fiberglass fence material is allowed
- Metal posts are acceptable if placed facing the interior of the fence enclosure (i.e.: not visible from the street)
- No chain link fences allowed for main fencing; dog runs behind main fencing generally allowable, but must first be approved by the ACC
- Wrought iron or aluminum fencing material for main fences shall be permitted if approved by the ACC before construction.
- Missing pickets must be replaced promptly
- Damaged fence parts (pickets, posts, stringers) must be replaced promptly

****The guidelines are not intended to be exhaustive, but address the issues that most commonly arise. The Board retains discretion to address other circumstances that appear to violate the governing documents.***

6/20/2012

**Legend Oaks II
General Maintenance & Appearance Guidelines**

LANDSCAPING:

- Any changes to the landscape design must be approved by the ACC prior to installation
- All landscaping shall be maintained so that it does not extend over any public sidewalk, curb, driveway, or street drainage gutter
- Trees must have 8 feet clearance overhead, especially with respect to limbs hanging over sidewalks/streets
- Front yards are expected to have at least 50% healthy grass/green vegetation, and no more than 10% bare or dead spots
- Grass shall never exceed 6 inches in length, and should not exceed 4 inches in length for a period of more than 7 consecutive days
- No edible plants/gardens are allowed in front yards
- Fruit trees are acceptable
- Xeriscape installations are acceptable in the strip (area between sidewalk and street), but must contain bushes planted no more than 6 feet apart; and the installation must have prior ACC approval
- Maintenance activities using gas or electric-powered equipment (mowers, trimmers, edgers, blowers, pressure washers) shall be done only during daylight hours
- HOA greenbelt areas are not storage areas or dumping grounds, and no landscape materials, cuttings, debris, or trash shall be placed on the greenbelt

PAINT:

- Any changes to the existing color must be approved by the ACC in advance of painting
- Exterior paint colors must be in the earth/neutral tones of beiges, creams, light yellows, light grays.
- No bright colors or super contrast combinations are permitted
- No restrictions on front door color choice, although that color may be disapproved for other portions of the residence

VEHICLES/BOATS/TRAILERS/RV:

- No inoperable vehicles shall be visible from any street or other lot in the subdivision. An inoperable vehicle is one that has one or more unrepaired flat tires, or does not display a current inspection or registration sticker
- No vehicle allowed is to be on blocks/jacks in any driveway during nighttime hours.
- Vehicle parking is permitted in driveways and streets only. No parking on grass or the front lawn.
- No vehicle shall block sidewalk access
- Boats/trailers and RV's cannot be stored on residence property for longer than 24 hours.
- Boats/trailers and RV's are not permitted to be stored in backyards, side yards, front yards, driveways or Association property.

****The guidelines are not intended to be exhaustive, but address the issues that most commonly arise. The Board retains discretion to address other circumstances that appear to violate the governing documents.***

6/20/2012

Exhibit B

ENFORCEMENT AND FINE POLICY Legend Oaks Homeowners Association 2, Inc. January 1, 2012

The Board of Directors adopts the following policy for addressing violations of the governing documents:

A. Remedies for Violations.

1. **Remedies.** This policy applies to all violations of the Declaration, Bylaws, and recorded rules and regulations of the Association (collectively, a **Violation**). The Board of Directors may respond to a Violation with any of the remedies listed below. The below-listed remedies shall be in addition to any other remedies provided by the Declaration, Bylaws, State statute, or other law:
 - a. suspend or condition the right of an owner and any tenants, occupants, or guests to use of facilities (including all or part of any common areas) operated or managed by the Association;
 - b. record a notice of non-compliance in the County Official Public Records;
 - c. levy a damage assessment against an owner;
 - d. impose costs of collection or enforcement (including manager's and/or attorney's charges) against an owner; and
 - e. assess a fine against the owner and the owner's lot.
2. **Vicarious Liability.** Owners are responsible for all Violations of their tenants, guests, invitees, or occupants.
3. **Administrative Fee.** The Association may charge an administrative fee of not more than \$40 per notice to defray the time and cost of processing violation notices.
4. **Non-Exclusivity.** These remedies are cumulative, and may be imposed in combination with each other. For example, the Board may, for the same Violation, suspend the right to use a common area amenity, impose a fine, and charge manager's or attorney's fees incurred incident to enforcement.
5. **Imposition of Fines.** The Board gives standing orders to the managing agent to send the first notice.. If the Violation is not timely cured after the first notice, the Board may impose fines according to the fine schedule set forth below. If the Violation is not within one of the categories shown on the schedule, the Board will set the fine in its reasonable discretion. In setting the fine, the Board may consider all factors it deems relevant, including the nature of the Violation, its frequency, and effect on neighboring owners and properties.
6. **Repeat Violations.** The fine for a repeat Violation within 6 months will be higher than for the previous violation(s), as shown on the fine schedule.

Updated 6/20/2012

7. Fine Period. As a general rule, fines for a discrete incident will be imposed on a per occurrence basis. Fines will be imposed on a daily or weekly basis if the Violation is of a continuous or ongoing nature.
8. Exceptions. The Board may depart from the foregoing guidelines and impose a fine at a greater rate, provided that the owner is notified in advance of the amount of the fine and given a reasonable opportunity to avoid it.

B. Enforcement Procedure

The following outlines the general enforcement procedure for Violations. Strict compliance is not necessary, as long as the Owner is given fair notice and all statutory conditions for enforcement have been met.

1. First Notice. The Association shall mail a courtesy notice letter to the Owner involved that identifies the alleged Violation, requests that it be corrected within a specified time, and advises of the remedies the Association can impose if non-compliance continues. This step shall not apply for repeat/recurrent Violations for which a notice was sent within the preceding 6 months.
2. Formal Notice. In the event the Violation is not corrected within the specified time, or recurs within 6 months, the Association shall give the Owner written notice by certified mail, return receipt requested, that:
 - a. describes the Violation and states the remedy to be imposed , including amount and beginning date of the proposed fine;
 - b. allows the Owner a reasonable time, by a specified date (which date may be shorter than the cure period allowed in the letter sent pursuant to step 1), to cure the Violation and avoid imposition of the remedy; provided, this provision shall not apply if the Owner was given certified mail notice and a reasonable opportunity to cure a similar Violation within the preceding 6 months;
 - c. states that not later than the 30th day after the date the owner received the notice of Violation, the Owner may request a hearing before the Board to contest the matter;
 - d. advises that the request for hearing must be in writing and delivered to the Association;
 - e. states that attorney's fees and costs will be charged if the Violation continues after the conclusion of the hearing or, if no hearing is requested, after the deadline for requesting a hearing.
3. Hearing. Upon receipt of a request for a hearing, the Board shall promptly schedule the hearing and give the owner at least ten days' advance written notice (including transmittal by email) of the date, time, and place of the hearing.
4. Delivery of Notice. A certified mail letter that is returned to the Association due to the owner's failure or refusal to claim the letter shall be deemed received by the owner on the 5th day after the postmark date of the letter.

5. Notice of Fine. The Association shall notify the owner of the levied fine within 30 days after imposition of the fine. This notice need not be sent by certified mail.
6. Payment. Payment of the fine shall not substitute for, or be in lieu of, correcting the Violation.
7. Exemptions. The foregoing procedures do not apply to a lawsuit seeking a temporary restraining order or temporary injunctive relief, or to the collection of regularly scheduled assessments and late fees.

C. Fine Schedule. For fines imposed for conduct after the first notice, per part B above.

	1ST	2ND	3RD
	OFFENSE	OFFENSE	OFFENSE
APPEARANCE:	\$100	\$150	\$200
CONSTRUCTION:	\$250	\$500	\$700
FENCING:	\$250	\$500	\$700
LANDSCAPING:	\$100	\$200	\$400
PAINT:	\$250	\$500	\$700
VEHICLE/BOATS/TRAILERS/RV:	\$250	\$500	\$400
HEALTH/SAFETY (Glass in pool area, children swimming when no lifeguards are present):	\$300	\$400	\$500

These categories correspond to those contained in the General Maintenance & Appearance Guidelines. Fines for violations not listed above will be established by the Board, in its discretion.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

Jun 26, 2012 09:26 AM 2012101816

CORTEZ: \$44.00

Dana DeBeauvoir, County Clerk

Travis County TEXAS