

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

AMENDMENT OF RULES AND REGULATIONS
OF
THE MEADOWS OF BRUSHY CREEK HOMEOWNERS ASSOCIATION, INC.

(Regarding enforcement)

Document reference. Reference is hereby made to the Second Amended and Restated Declaration of Covenants and Restrictions, The Meadows of Brushy Creek, recorded in Vol. 2626, Pg. 0179 and as Document No. 9452329 in the Official Records of Williamson County, Texas (together with all subsequent amendments and supplemental documents thereto, the "Declaration").

Reference is further made to the Declaration of Bylaws, The Meadows of Brushy Creek Homeowners Association, Inc., filed as Document No. 9608884 in the Official Public Records of Williamson County, Texas (together with all supplemental documents and amendments thereto, the "Bylaws").

Reference is further made to the The Meadows of Brushy Creek Homeowners Association, Inc. Adoption of Common Area Maintenance Fee, filed as Document No. 2007019894; the Resolutions filed as Document No. 2011070987; and the Resolution filed as Document No. 2012089776, all in the Official Public Records of Williamson County, Texas (cumulatively and together with all amendments thereto, the "Rules").

The Declaration provides that owners of lots subject to the Declaration are automatically made members of The Meadows of Brushy Creek Homeowners Association, Inc. (the "Association");

The Association, acting through its board of directors (the "Board"), is authorized to adopt and amend rules and regulations governing the property subject to the Declaration and the operations of the Association pursuant to Bylaws Article VII, §1(a), and has previously adopted the Rules; and

The Board has voted to adopt the additional rules attached as Exhibit "A";

Therefore, the additional Rules attached as Exhibit "A" have been, and by these presents are, ADOPTED and APPROVED.

Subject solely to the amendments contained in Exhibit "A", the Rules remain in full force and effect.

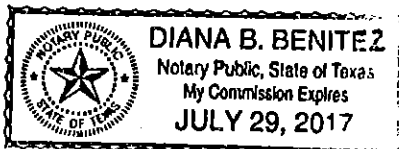
**THE MEADOWS OF BRUSHY CREEK
HOMEOWNERS ASSOCIATION, INC.**
By Niemann & Heyer, L.L.P., attorneys and authorized agent

By: Erin E. Finley
Erin E. Finley

Acknowledgement

STATE OF TEXAS
COUNTY OF Williamson

This instrument was acknowledged before me on the 15th day of May, 2014, by Erin E. Finley in the capacity stated above.



Diana Benitez
Notary Public, State of Texas

EXHIBIT "A"

1. Enforcement.

Summary of Enforcement Process

1. Courtesy letter
2. Certified mail notice letter (statutory notice letter)
3. Damage assessments as appropriate; fines levied as appropriate per fining schedule

The Board may vary from this policy on a case by case basis, including increasing or decreasing fines, sending additional, or omitting, courtesy notices, and other such variations, provided that all statutory notice requirements are met.

- a. **Notices of Violation:** Prior to levying a property **damage assessment** against an owner, **fining** an owner, or **suspending the owner's usage rights** to the common area due to a violation, the Association shall comply with the notice requirements of Ch. 209, Texas Property Code.

The management company shall, upon becoming aware of a violation(s) of the deed restrictions, send first a courtesy warning letter requesting compliance. If compliance is not achieved in response to a courtesy letter, the management company shall send a letter certified mail, return receipt requested giving notice of the violation(s) in accordance with Ch. 209, Texas Property Code.¹

The Board may deviate from this standard procedure, including instructing the managing agent to omit or add courtesy warning(s), in its sole discretion.

- b. **Owner's Liability.** An owner is liable for fines levied by the Association for violations of the Governing Instruments by the owner, the residents of the unit, and the relatives, guests, employees, and agents of the owner and residents. Regardless of who performs the violation, the Association will direct its communications to the owner, although the Association may send copies of its notices to the unit resident.
- c. **Damage assessment; enforcement costs.** The Association may assess the Owner's account for any damages caused by the Owner, or the Owner's residents, tenants, guests or invitees. The owner may be held responsible for all enforcement costs, including attorney's fees.
- d. **Fines.** If the violation is not cured by the deadline given in the certified mail notice described in §1(a) above, or if a notice and opportunity to cure have been given for a similar violation within the last six months (so that there is no additional right to cure) a fine shall automatically levy in accordance with the association's fining schedule unless otherwise determined by the Board (for example, the Board may vary from the fine schedule case by case, or the Board may adopt an alternate fine schedule by resolution). Fines may be issued on a one-time basis or in the event of an ongoing violation, may be issued daily for each day of the violation (each day of the violation may be considered a separate violation). Absent Board approval otherwise, all fines shall be in accordance with the fining schedule as set forth in §1(e) herein.

¹ If such a notice has been given in past for a violation, and a similar violation occurs in the six month period since the notice, per state law the notice sent need not include an opportunity to cure.

Each day of the violation may be considered a separate violation. The Board may deviate from this standard fining procedure, including electing to levy a lesser or greater fine at any time, or omitting or adding one or more courtesy notices, in its sole discretion, provided that at minimum all state law requirements are met.

e. Fine Schedule.

Lot Maintenance, Parking, and Nuisance Violations

1st Violation – Courtesy Notice (no fine imposed)

2nd Violation – Certified mail letter (per Property Code Ch. 209) warning of fine

3rd Violation – Third Notice Sent with \$50 fine plus the cost of the certified letter

4th Violation – Fourth Notice Sent with \$100 fine plus the cost of the certified letter

If the condition that caused the violation is resolved and remains resolved for 6 months, the violation will be cleared and the process will then begin again at the 1st violation.

Trash Can and Recycling Bin Violations

1st Violation – Courtesy Notice (no fine imposed)

2nd Violation – Certified mail letter (per Property Code Ch. 209) warning of fine

3rd Violation – Third Notice Sent with \$20 fine plus the cost of the certified letter

4th Violation – Fourth Notice Sent with \$40 fine plus the cost of the certified letter

If the condition that caused the violation is resolved and remains resolved for 6 months, the violation will be cleared and the process will then begin again at the 1st violation.

Architectural Control Violations - All changes to the property must have an ACC application submitted prior to work being done. This includes but is not limited to: sheds, fences, arbors, landscape changes, roofs, pools and satellite dishes.

If no ACC application is submitted:

1st Violation – Courtesy Notice will include a copy of the application to be filled out (no fine imposed)

2nd Violation - Certified mail letter (per Property Code Ch. 209) warning of fine

3rd Violation – Third Notice Sent with \$500 fine plus the cost of the certified letter

If the project is approved but deviates from the application:

1st Violation – Courtesy Notice (no fine imposed)

2nd Violation -- Certified mail letter (per Property Code Ch. 209) warning of fine

3rd Violation – Third Notice Sent with \$1000 fine plus the cost of the certified letter

Residents are encouraged to contact Goodwin Management or the Board of Directors for ACC violations as they can be complex in nature and require significant time and effort to be resolved.

Home Business Violations

1st Violation – Courtesy Notice (no fine imposed)

2nd Violation – Certified mail letter (per Property Code Ch. 209) warning of fine

3rd Violation – Third Notice Sent with \$1000 fine plus the cost of the certified letter

Subsequent Violations – \$1000 fine per day

- f. Hearings. If a Member requests a hearing by the deadline outlined in the certified mail (Chapter “209”) violation letter, the hearing shall be held in accordance with state law. The Board shall inform the owner of the time, date, and place of the hearing at least 10 days prior to the scheduled hearing date. The Board may impose rules of conduct and limit the amount of time allotted to a Member to present his or her information to the

Board at any such hearing. The Board may either make its decision at the hearing, or take any matter discussed at the hearing under advisement and communicate its decision at a later date.

- g. Force mows and other self-help enforcement action. If a violation of the deed restrictions that can be cured or partially cured by self-help (the association entering a Lot and remedying the violation, such as force-mow, debris removal, or other such action) is noted, the association's managing agent shall have the authority without further Board action, unless otherwise directed on a case-by-case basis by the Board, to pursue the self-help remedy as provided in the governing documents of the Association. Such remedy shall be pursued only after 10 days' written notice of the violation to the owner, per Declaration §6.12(d). All associated costs shall be the responsibility of the owner are secured by a vendor's lien per Declaration §6.12(d).
- h. Authority of agents. The management company, Association attorney, or other authorized agent of the Association is granted authority to carry out this standard enforcement and fining procedure absent express direction otherwise from the Board, without further vote or action of the Board. This authority notwithstanding, the management company or Association attorney shall communicate with the Board and/or certain designated officers or agents on a routine basis with regard to enforcement actions, and the Board reserves the right to establish further policies with regard to enforcement efforts generally and to make decisions about particular enforcement actions on a case-by-case basis if and when it deems appropriate.

After recording, please return to:
Niemann & Heyer, L.L.P.
1122 Colorado St., Suite 313
Austin, Texas 78701

Fileserver:CLIENTS:Brighton Square Condos:RuleAmendFiningScheduleEF2-14_N&H CoverPg.doc

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Nancy E. Rister

Nancy E. Rister, County Clerk

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Williamson County Texas