

**THE FAIRWAYS ON THE FAZIO AT BARTON CREEK**

**CONDOMINIUM OWNERS ASSOCIATION, INC.**

**ENFORCEMENT OF COMMUNITY RULES AND REGULATIONS**

As Ratified November 18, 2013

1. Whenever an Owner or their family members, tenants, guests, invitees, contractors or agents of an owner violates any of the Fairways on the Fazio Condominium Association Rules or any provisions of the other governing documents of the Fairways, such violations shall be brought to the attention of the Property Manager and/or the Board of Directors.
2. The *preferred* method of notifying the Property Manager or the Board of Directors is in writing, by letter, fax or Email. The notification should identify the violation, along with the date, time and location of the violation.
3. The Property Manager, where practical and as directed by the Board of Directors, shall send a letter and/or an email to the Owner involved in the identified violation, advising the Owner of the alleged violation and requesting that it be corrected within a specified time frame.
4. In the event such violation is not corrected within the prescribed period of time, the Board of Directors may exercise one or more of the following remedies as set forth in the Declaration:
  - A. Self Help The Board may cure the violation by having such maintenance and work performed as is reasonably necessary to correct the violation. All costs of cure/correction will be assessed against the Owner.
  - B. Fine The Board may assess a separate fine against the Owner for each violation. Unless modified by Board action, the fine shall be up to \$200.00 for each day of violation (beyond the specified correction time frame as defined by the Board) in an amount to be determined by the Board.

In determining the amount of fines in particular instances, the Board shall make appropriate written findings to clarify the Board's reasoning for determining a particular fine. The purpose of such findings is to assist the Board in ensuring that similar violations are handled in a consistent manner. If a fine is assessed and the Owner does not come into compliance and pay the fine, a lien will be filed.
  - C. Lien The Board may cause to be recorded in the Travis County Official Public Records a written notice of lien against the Owner's Unit for the violation and all amounts of money owed to the Association including assessments, late charges, cost of cure/correction, attorney's fees and fines.
  - D. Lawsuit The Board may cause a lawsuit to be filed against the Owner seeking damages, injunctive relief, civil penalties and/or fines, reasonable attorney's fees and court costs.

5. Before the Board may exercise one of the foregoing remedies, it shall have the Management Company send to the Owner a written notice by certified mail, return receipt requested, that:

- A. Describes the violation and states the amount of the proposed fine;
- B. Allows the Owner a reasonable time, by a specified date, to cure the violation and avoid the fine; provided, this provision shall not apply if the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months;
- C. States that not later than the 30th day after receipt of the notice of violation, the Owner may request a hearing before the Board to contest the fine;
- D. Advises The Owner that the request for hearing must be in writing and delivered to the Management Company Agent.

6. Upon receipt from the Owner of a request for a hearing, the Board shall schedule the hearing within 30 days and give the owner at least ten days' advance written notice of the date, time, and place of the hearing.

7. The fine and/or damage charges are due immediately after expiration of the 30-day period for requesting a hearing. If a hearing is requested, such fines or damage shall be due immediately after the Board's decision at such hearing, assuming that a fine or damage charge of some amount is confirmed by the Board at such hearing.

8. 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 10th day after the postmark date of the letter.

9. The Board may, but need not, send a copy of all notices to an occupant of the Unit.

10. The foregoing procedures do not apply to lawsuits seeking a temporary restraining order or temporary injunctive relief, nor do they apply to the collection of regularly scheduled assessments and late fees.

11. Pursuit of any of the foregoing remedies shall not preclude pursuit of any other remedy provided in the Declaration or by law or equity.

12. Unless otherwise defined in this Enforcement Procedure, all terms shall have the same meaning as defined in the Declaration of Covenants, Conditions and Restrictions.

**The foregoing Rules of Enforcement are, to the best knowledge of the Association and its agents, consistent with and conform to the Texas Uniform Condominium Act, as amended (TUCA). In the event of conflict between these Rules of Enforcement and the TUCA, the TUCA shall control. If any provision of these Rules of Enforcement is determined to be invalid, such invalidity shall not affect the validity of any other provision.**