

STATE OF TEXAS	§	RESOLUTION ADOPTING FINE
	§	AND ENFORCEMENT POLICY FOR
	§	RED OAK HILLS
COUNTY OF MONTAGUE	§	PROPERTY OWNERS' ASSOCIATION, INC.

**RESOLUTION OF THE BOARD OF DIRECTORS OF
RED OAK HILLS PROPERTY OWNERS' ASSOCIATION, INC.
REGARDING FINE AND ENFORCEMENT POLICY**

Pursuant to Section 209.0061, Texas Property Code, Red Oak Hills Property Owners' Association, Inc., hereinafter referred to as "Association", the Association governing Red Oak Hills Subdivision located in Montague County, Texas (said Subdivision being more fully described on the map and plat recorded under Document No. 2400336 in the Official Plat Records of Montague County, Texas), acting by and through its Board of Directors, has adopted the following fine and enforcement policy to set forth its policy for levying fines, to-wit:

1. Schedule of fines.

Assess a charge of \$50.00 per day (against any Tract Owner and/or his Tract until the violating condition is corrected. Said amount to be increased as set forth in Section 8.11 of the Declarations.

2. Board's authority to grant variance on fines.

The Board is granted the authority to adopt and assess a lower fine amount on a case by case basis after considering all the facts of the violation. Any fine can be increased up to the amount in Section 8.11 of the Declarations for repeat offenses.

3. General categories of restrictive covenants for which the Association may assess fines:

A. Building violations, for instance:

- a. Failure to apply and receive approval from the Architectural Control Committee.
- b. Failure to meet minimum square footage.
- c. Failure to adhere to timeline for construction.
- d. Improper construction materials.
- e. Improper roofing materials.
- f. Failure to meet masonry requirement.
- g. Improper temporary structure.
- h. Failure to have exterior color scheme approved by the ACC.
- i. Improper Guest Quarter.
- j. Improper Barn, Workshop or Storage Building.
- k. Failure to have a garage or carport.
- l. Improper walls, fencing and light post.
- m. Improper culverts.

- n. Improper driveway.
- o. Improvements improperly placed within a setback area.
- p. Improper lighting.
- q. Improper Improvements placed within a drainage or utility easement.
- r. Improper water retainage structures.
- s. Failure to screen or conceal above ground tanks, pumps vent pipes and other equipment.
- t. Failure to screen trash containers or leave them out other than on established garbage collection days.

B. Storage violations, for instance:

- a. Improper use of RV's.
- b. Improper storage of trailers, RV's, trucks (other than pickups with a rated capacity of one (1) ton or less), boats, personal water craft, tractors, wagons, buses, motorcycles, motor scooters, all-terrain vehicles, golf carts and other recreational vehicles, lawn or garden equipment, farm or ranch equipment, construction equipment and other similar items.

C. Prohibited Items on the Tract, for instance:

- a. Mobile homes, manufactured homes, modular, container or move-in homes.
- b. Junk and debris.
- c. Improper garbage and trash disposal.
- d. Animals that do not comply with the Animal Husbandry requirement set forth in Section 3.27 of the Declarations.
- e. Improper signs.
- f. Commercial activity on the Tract.
- g. Separately renting out a guest quarter.
- h. Nuisance activity.
- i. Abandoned, junked or unregistered motor vehicles, boats, airplanes, trailers or other similar items.

D. Miscellaneous:

- a. Failure to use the Tract for only single family residential purposes.
- b. Failure to maintain a Tract or an Improvement on a Tract.
- c. Violating any rule or regulation of the Association.
- d. Not having sufficient portable restrooms facilities on a construction site.
- e. Failure to maintain a neat and clean construction site.
- f. Alteration or removal of Improvements without prior written approval of the Architectural Control Committee.
- g. Violation of any prohibited activity listed in Section 3.23 of the Declarations.
- h. Improper mineral development.
- i. Impairment of drainage patterns.

4. Information regarding hearings described by Section 209.007 of the Texas Property Code.

- A. Except as provided by subsections (C) and (D) below, and only if the Owner is entitled to an opportunity to cure the violation, the Owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the Board.
- B. The Association shall hold a hearing not later than the 30th day after the date the Board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The Owner or the Association may make an audio recording of the meeting.
- C. The notice and hearing provisions of Section 209.006 and Section 209.007 of the Texas Property Code do not apply if the Association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action. If a suit is filed relating to a matter to which those sections apply, a party to the suit may file a motion to compel mediation.
- D. The notice and hearing provisions of Section 209.006 and Section 209.007 of the Texas Property Code do not apply to a temporary suspension of an Owner's right to use Common Areas if the temporary suspension is the result of a violation that occurred in a Common Area and involved a significant and immediate risk of harm to others in the Subdivision. The temporary suspension is effective until the Board makes a final determination on the suspension action after following the procedures prescribed by this section.
- E. An Owner or the Association may use alternative dispute resolution services.
- F. Not later than 10 days before the Association holds a hearing under this section, the Association shall provide to an Owner a packet containing all documents, photographs, and communications relating to the matter the Association intends to introduce at the hearing.
- G. If an Association does not provide a packet within the period described by subsection (F), an Owner is entitled to an automatic 15-day postponement of the hearing.
- H. During a hearing, a member of the Board or the Association's designated representative shall first present the Association's case against the Owner. An Owner or the Owner's designated representative is entitled to present the Owner's information and issues relevant to the appeal or dispute.

5. Notice to Members:

The Association shall:

- A. Provide a copy of this Policy to an Owner of a Lot in the Subdivision by:
 - a. posting the policy on an Internet website maintained by the Association or an agent acting on behalf of the Association and accessible to Members of the Association; or
 - b. annually sending a copy of the policy, separately or included in routine communication from the Association to Members, by:
 - i. hand delivery to the Owner;
 - ii. first class mail to the Owner's last known mailing address; or
 - iii. e-mail to an e-mail address provided to the Association by the Owner.
- B. Make the policy available on any publicly accessible Internet website maintained by the Association or an agent acting on behalf of the Association.

6. Owner's Liability.

An Owner is liable for any fines levied by the Association for violations by the Owner, any lessees, or the Owner or lessees' family, guests, employees, agents or contractors. Regardless of who performs the violation, the Association will direct its communications to the Owner.

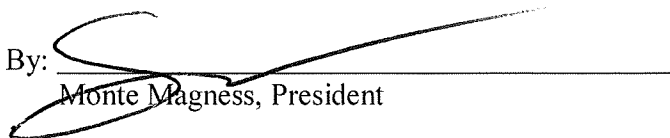
7. Definitions.

Any words not defined in this Policy shall have the same meaning assigned in the Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Red Oak Hills Subdivision filed of record under Instrument No. _____, Volume _____, Page _____ of the Official Public Records of the Montague County Clerk, Montague County, Texas ("Declarations").

By their signatures below the President and the Secretary of the Association certify that the foregoing resolution was approved by the Board of Directors of the Association at a duly-called meeting of the Board of Directors at which a quorum of Directors was present, or by signed, unanimous written consent in lieu of a meeting.

PASSED, ADOPTED AND APPROVED on this the 22nd day of January 2024.

**RED OAK HILLS PROPERTY OWNERS'
ASSOCIATION, INC.**

By: 
Monte Magness, President

ATTEST:

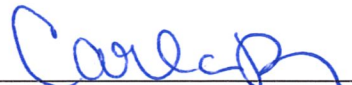
By: 
Oscar Rohne, Secretary

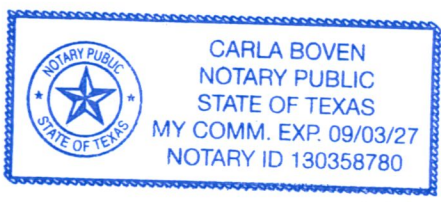
THE STATE OF TEXAS §
 §
COUNTY OF Parker §

CERTIFICATE OF ACKNOWLEDGMENT

Before me, the undersigned Notary Public, on this day personally appeared Monte Magness who is personally known to me (or proved to me through a federal or state issued ID with photo and signature of person identified) to be the person whose name is subscribed to the foregoing instrument, and who has acknowledged to me that he is the President of Red Oak Hills Property Owners' Association, Inc. and that by authority duly given and as the act of Red Oak Hills Property Owners' Association, Inc. executed the instrument for the purposes and considerations expressed.

Given under my hand and seal of office on this the 11th day of February 2024.


Notary Public in and for The State of Texas



AFTER RECORDING, RETURN TO:

Red Oak Hills Property Owners' Association, Inc.
110 W. Interstate 20, Frontage Road, Suite 120
Weatherford, Texas 76086

FILED FOR RECORD
KIM JONES - COUNTY CLERK
MONTAGUE COUNTY, TEXAS

INST NO: 2401020

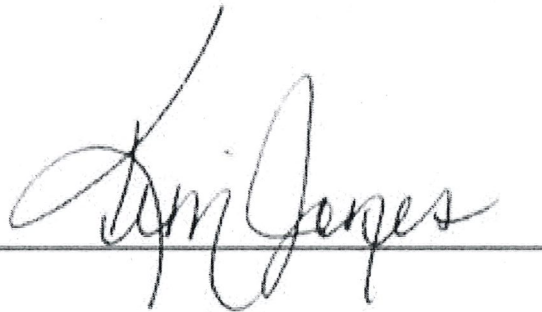
FILED ON: FEBRUARY 22, 2024 AT 10:37am

THIS INSTRUMENT CONTAINED 6 PAGES AT FILING



THE STATE OF TEXAS COUNTY OF MONTAGUE
I hereby certify that this instrument was filed on the date and
time stamped hereon and recorded in the instrument of
named record of Montague County, and stamped hereon by
me.

DATE: FEBRUARY 22, 2024
KIM JONES, COUNTY CLERK



Instrument # **2401020** , 6 Pages

OPR RECORDS