

**FINE AND ENFORCEMENT POLICY FOR VIOLATIONS OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF THE
SUBDIVISION DECLARATION, BYLAWS AND ASSOCIATION RULES**

Any owner, tenant, or occupant who violates the provisions of the Declaration of Covenants, Conditions, Restrictions and Easements of The Villas of South Padre ("CCRs"), the Bylaws of The Villas of South Padre Owners Association, Inc. ("Association"), or the Rules of the Association, shall subject the owner and/or tenant to monetary penalties as set forth below.

The following policy regarding violations and fines complies with both the CCRs and the required Texas Property Code notice requirements set forth in 209.006. This is intended to supplement the enforcement provisions set forth in the CCRs and bylaws and to update the enforcement provisions to reflect current changes in chapter 209. In the event of a conflict, chapter 209 shall control.

The first citation (warning) for a violation will be mailed via regular mail, hand-delivered or emailed by the board or its agent.

If the violation or a similar infraction is repeated after the initial citation (warning) is given, then the tenant and owner shall be given a written *citation* sent by certified mail that (a) describes the violation, (b) the proposed fine and (c) states that not later than the 30th day after the date of notice, the owner and/or tenant may request a hearing under chapter 209.007 before the board to contest the fine, and (d) unless the violation is incurable or threatens the public health or safety as provided in chapter 209.006, allows the owner/tenant a reasonable time (date set by board) to cure the violation and avoid the fine unless owner or tenant was given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months. Any notice will also inform the owner that they may have special rights or relief related to the enforcement action under federal law including the Servicemembers Civil Relief Act, if the owner is serving on active military duty. No further written warnings for subsequent similar violations shall be required, and the Manager is authorized to issue citations accordingly.

Following the initial (warning) citation, the **FINES** shall be as follows:

- (a) For the first violation, the penalty shall be **\$ 250.00**
- (b) For the second violation of the same provision the penalty shall be **\$500.00**.
- (c) For all subsequent violations of the same provision, the penalty shall be **\$1000.00**.

All hearings will be conducted in accordance with chapter 209.007. The association will provide the *owner packet* in accordance with those provisions.

The following are examples of acts considered "incurable":

- Shooting fireworks;
- any act constituting a threat to health or safety;
- an noise violation that is not ongoing;
- property damage;
- holding an event prohibited in the CCRs.

The following are examples of acts considered "curable":

- parking violation
- maintenance violation;
- an ongoing noise violation such as a barking dog.

**Cameron County
Sylvia Garza-Perez
Cameron County Clerk**

Instrument Number: 2023-22737

eRecording - Real Property

Recorded On: June 27, 2023 03:24 PM

Number of Pages: 3

" Examined and Charged as Follows: "

Total Recording: \$40.00

******* 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: 22737
Receipt Number: 20230627000201
Recorded Date/Time: June 27, 2023 03:24 PM
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Station: cclerk18_14

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835 E LEVEE

BROWNSVILLE TX 78520



**STATE OF TEXAS
COUNTY OF CAMERON**

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 County, Texas.

Sylvia Garza-Perez
Cameron County Clerk
Cameron County, TX

A handwritten signature in cursive script, appearing to read "Sylvia Garza-Perez".