

OWNERS OF HIDDEN CREEK COMMUNITY ASSOCIATION INC.

AMENDED AND RESTATED DEED RESTRICTION ENFORCEMENT POLICY

STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF MONTGOMERY

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WHEREAS, that certain Revised and Restated Declaration of Covenants, Conditions, and Restrictions for Hidden Creek Section 1 dated February 22, 2007, recorded in the Real Property Records of Montgomery County, Texas, under Clerk's File Number 2007-027699 (as same may be supplemented and amended, referred to herein as the "Declaration"), subjects Hidden Creek, a subdivision in Montgomery County, Texas (the "Subdivision"), to the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration; and

WHEREAS, Article XI, Section 1 of the Declaration provides that the Owners of Hidden Creek Community Association, Inc., a Texas non-profit corporation (the "Association") may imposed reasonable fines for violators of the Declaration or any rules or regulations adopted by the Association or the Architectural Review Committee (as referred to in the Declaration); and

WHEREAS, that certain Owners of Hidden Creek Community Association, Inc. Deed Restriction Enforcement Policy was adopted by the Board of Directors of the Association (the "Board") and recorded in the Real Property Records of Montgomery County, Texas, under Clerk's File Number 2020052278 (the "Original Policy"); and

WHEREAS, the Board, deems it to be in the best interest of the Association and the Subdivision to amend and restate the Original Policy as set forth below; and

WHEREAS, Article VI, Section 6.3 of the Bylaws of the Association (the "Bylaws") provides that a majority of the number of directors of the Board (the "Directors") shall constitute a quorum for the transaction of business and that every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board; and

WHEREAS, the Board held a meeting on 4/18, 2023, at which at least a majority of the Directors were present and at which at least a majority of the Directors present did duly approve of amending and restating the Original Policy as set forth below.

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify the foregoing to be true and correct and hereby provides notice that the Board did amend and restate the Original Policy as set forth below, to be effective upon recordation of this document in the Real Property Records of Montgomery County, Texas, and the below Amended and Restated Deed Restriction Enforcement Policy supersedes and takes the place of the Original Policy.

AMENDED AND RESTATED DEED RESTRICTION ENFORCEMENT POLICY

PURPOSE

This policy establishes a uniform methodology for enforcing deed restrictions with the Owners of Hidden Creek Community Association, Inc.

SCOPE

The policy applies to all members of the Owners of Hidden Creek Community Association, Inc., which are subject to the Declaration of Covenants, Conditions and Restrictions for Owners of Hidden Creek

Community Association, Inc. a subdivision of Montgomery County, Texas and any Amendments and guidelines thereto.

REFERENCES

Owners of Hidden Creek Community Association, Inc. Covenants, Conditions & Restrictions.

Owners of Hidden Creek Community Association, Inc. By-Laws.

All other governing documents for Owners of Hidden Creek Community Association, Inc. Including but not limited to any published rules, regulations, guidelines and resolutions.

Texas Property code Chapter 209 – Residential Property Owner’s Protection Act.

DEFINITIONS

Deed Restrictions: The Architectural Control provisions, maintenance and repair provisions, and use of restrictions provisions in the Declarations of Covenants, Conditions and Restrictions of Owners of Hidden Creek Community Association, Inc. and any amendments thereof.

Inspector: A person officially appointed to make inspections and report to designated members of the Owners of Hidden Creek Community Association, Inc., the Architectural Control Committee, or the property management company.

Maintenance: To repair, replace or otherwise return to an operation, functional, and aesthetically pleasing condition.

Singular Violations: An act or condition, willful or not, by property owners or tenants, that cause a property or its improvements to be in non-compliance with Deed Restrictions of Owners of Hidden Creek Community Association, Inc. . Examples include: failure to submit an ACC form, failure to install landscaping, exterior maintenance deficiencies.

Recurring Violations: An act or condition, willful or not, by property owners or tenants, that cause a property or its improvements to be in non-compliance with Deed Restrictions of Owners of Hidden Creek Community Association, Inc. . Examples include: violation of parking provisions, improper storage of trash cans, and lack of yard maintenance.

Following a Deed Restriction inspection, a resident in violation of the Deed Restrictions shall receive notification of the violation as follows:

Letters from the Association for Singular Violations:

First letter:

Upon identification of a violation, a letter shall be sent via regular mail to notify the owner and tenant (if applicable) of the violation of the Deed Restrictions and to request correction of the violation within ten (10) days of the date on the letter.

It is the responsibility of the owner and tenant (if applicable) to notify the property management company if extenuating circumstances exist, if additional time to correct the violation is necessary, or if additional information regarding the violation is needed or desired.

Second Letter:

Upon a 2nd inspection without resolution, a second letter shall be sent via regular mail to notify the owner and tenant (if applicable) of the violation of the Deed Restrictions, to provide ten (10) additional days to cure the violation, and to advise that a fine of \$25.00 will be placed on their accounts every two weeks until the violation is cured. However, if the violation involves the storage of a boat, trailer, or recreational vehicle in violation of Article IX, Section 20 of the Deed Restrictions, the letter will advise that a fine of \$100.00 will be placed on their accounts every two weeks until the violation is cured.

Third Letter:

Upon a 3rd inspection without resolution, a third letter shall be sent, certified return receipt requested, and regular mail, to notify the owner and the tenant (if applicable) of the continuing violation of the Deed Restrictions, and to request correction of the violation.

This Certified letter shall include:

1. A description of the violation.
2. A notice to the owner that they are entitled to a 'reasonable' period to cure the violation to avoid suspension, fine, or attorney fees.
3. A notice to the owner informing the owner that he or she may request a hearing on or before the thirtieth (30) day after the date the owner receives the notice.
4. A notice to the owner that the association may suspend an owner's right to use a common area if the violation is not cured.
5. A notice that a \$25.00 fine will be assessed every two weeks until the violation is cured. However, if the violation involves the storage of a boat, trailer, or recreational vehicle in violation of Article IX, Section 20 of the Deed Restrictions, a notice that a fine of \$100.00 will be assessed every two weeks until the violation is cured.
6. A notice of postage and administrative fee charges to cover postage, expenses and labor will be assessed to the owner's account if the violation still exists upon the next inspection.
7. A notice that states, if hearing is not requested and the violation is not cured by the thirtieth (30) day from the date of the letter, all attorney fees, reasonable related expenses, and costs incurred by the Association shall be charged to the owner's account.
8. A notice that states the following "You may have special rights or relief related to the enforcement action under federal law, including the Service member Civil Relief Act (50 U.S.C. app. Section 501 et seq.) if you are serving on active military duty."

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Upon identification of a violation, a letter shall be sent via regular mail to notify the owner and tenant (if applicable) of the violation of the Deed Restrictions and to request correction of the violation within ten (10) days of the date on the letter.

Second Letter:

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 4. A notice to the owner that the association may suspend an owner's right to use a common area if the violation is not cured.
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5. A notice that a \$25.00 fine will be assessed each time the violation occurs for the following six months without further notice to the owner. However, if the violation involves the storage of a boat, trailer, or recreational vehicle in violation of Article IX, Section 20 of the Deed Restrictions, a notice that a \$100.00 fine will be assessed each time the violation occurs for the following six months without further notice to the owner.
 6. A notice of postage and administrative fee charges to cover postage, expenses and labor will be assessed to the owner's account if the violation still exists upon the next inspection.
 7. A notice that states, if hearing is not requested and the violation is not cured by the thirtieth (30) day from the date of the letter, all attorney fees, reasonable related expenses, and costs incurred by the Association shall be charged to the owner's account.
 8. A notice that states the following "You may have special rights or relief related to the enforcement action under federal law, including the Service member Civil Relief Act (50 U.S.C.app.Section 501 et seq.) if you are serving on active military duty."

Violations Turned Over to Attorney:

The Board will decide as to whether the violation owner is to be turned over to the Association's attorney following either 1) the hearing requested by the owner. 2) The deadline expiration to request such a hearing or 3) after the deadline in the certified letter has passed, and the property owner has not corrected or resolved the violation. The Board of Directors at Owners of Hidden Creek Community Association, Inc. Has the discretion to consider special circumstances applying to the owner and tenant (if applicable). The Association will charge all related file preparation fees back to the owner.

Attorney Demand Letter:

If the violation is referred to the Association's attorney for a demand letter, the violation will remain on the inspection list until final resolution of the violation. A photograph may be taken of the violation on any inspection thereafter, if required by the Association's attorney.

NOTICE AND HEARING:

Notice to the Owner's Address:

1. Each property owner is responsible for notifying the Association, in writing, at all times, of any changes in their mailing address.
2. If mail is returned from the property owner's last known address is undeliverable, and the property owner has not notified the Association of his or her current mailing address, then the inspector or his designee has the authority to automatically order a locate search or a title search, **at the owner's expense.**
3. The inspector has the authority to order a title search if they believe the ownership of the affected property has changed.

4. Any cost incurred by the Association in determining or attempting to determine the ownership of a property and then locating the owner the property shall become charges due against the owner's lot.
5. Deed restriction enforcement violation enforcement shall not cease solely because notices are returned by the post office.

Board of Directors Hearing:

1. If the property owner requests a hearing in writing, the Board of Director's must make arrangements for it ~~to be held no later than thirty (30) days after the date that the Board or the property management company receives a written request.~~
2. The property management company will notify the property owner via first class mail at the property owner's last known address of the date, time, and place for the hearing, no later than ten (10) days prior to the hearing date.
3. Either party may request a ten (10) day postponement and additional postponements may be made by mutual agreement.
4. If a hearing is set and the property owner fails to attend, the Board will reach a decision and mail the decision to the property owner at the property owner's last known address via first class mail.

Notice and /or Hearing Provisions Do Not Apply to the Following:

1. **Lawsuit Filing.** The notice and hearing provisions stated herein will not apply if the Associations files a law suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action.
2. **Temporary Suspension of Right to Use Common Areas:** Without notice or hearing, the Board may issue an immediate temporary suspension of a person's right to use a common area if the temporary suspension is the result of a violation that occurred in the common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension will be in place until the board makes a final determination on the suspension action after holding a hearing according to the provisions herein.
3. **Recurring Violator:** If the Association sent the third notice described in this policy to the property owner's last known address for a similar violation within the six months of the current violation, the Board of Directors has the discretion to impose a fine immediately upon written notice of the similar violation. The fine for recurring violation shall be no less than \$25.00 per occurrence.

Forced Maintenance:

As authorized by the Owners of Hidden Creek Community Association, Inc., the Board of Directors reserves the right to cure the violation, after appropriate notice, and charge the owner for the cost of such work.

EFFECTIVE upon recordation in the Official Public Records of Montgomery County, Texas.

**OWNERS OF HIDDEN CREEK
COMMUNITY ASSOCIATION, INC.**, a Texas
non-profit corporation

By:

Kendra Meyers

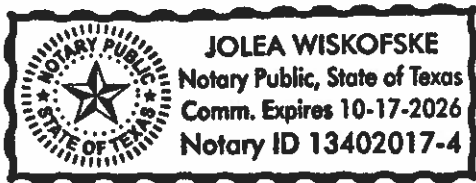
, President

STATE OF TEXAS

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COUNTY OF MONTGOMERY

This instrument was acknowledged before me on April 18, 2023, by Kendra Meyers President of OWNERS OF HIDDEN CREEK COMMUNITY ASSOCIATION, INC., a Texas non-profit corporation, for and on behalf of said corporation.



Jolea Wiskofske
Notary Public, State of Texas

HOOVER SLOVACEK LLP

A REGISTERED LIMITED LIABILITY PARTNERSHIP

MARK K. KNOP

BOARD CERTIFIED-COMMERCIAL REAL ESTATE LAW
BOARD CERTIFIED-RESIDENTIAL REAL ESTATE LAW
BOARD CERTIFIED-PROPERTY OWNERS ASSOCIATION LAW
TEXAS BOARD OF LEGAL SPECIALIZATION

knop@hooverslovacek.com

ATTORNEYS AT LAW
GALLERIA TOWER II
5051 WESTHEIMER, STE. 1200
HOUSTON, TEXAS 77056-5622

(713) 977-8686
FAX (713) 977-5395

REPLY TO:
P.O. BOX 4547
HOUSTON, TEXAS 77210

April 20, 2023

Via Email: christina@webdta.com

Ms. Christina O'Bryant
DTA Community Management Services, Inc.
206-a S. Loop 336, Suite 270
Conroe, Texas 77304

Re: Owners of Hidden Creek Community Association, Inc. Amended and Restated Deed
Restriction Enforcement Policy

Dear Christina:

Enclosed is a copy of the recorded Owners of Hidden Creek Community Association, Inc. Amended and Restated Deed Restriction Enforcement Policy. As you can see, this document was recorded on April 19, 2023, under Montgomery County Clerk's File Number 2023033516.

If you have any questions, please contact me.

Very truly yours,

HOOVER SLOVACEK LLP

Mark K. Knop

Mark K. Knop

Enclosure:

OWNERS OF HIDDEN CREEK COMMUNITY ASSOCIATION INC.

AMENDED AND RESTATED DEED RESTRICTION ENFORCEMENT POLICY

STATE OF TEXAS §
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WHEREAS, Article XI, Section 1 of the Declaration provides that the Owners of Hidden Creek Community Association, Inc., a Texas non-profit corporation (the “Association”) may imposed reasonable fines for violators of the Declaration or any rules or regulations adopted by the Association or the Architectural Review Committee (as referred to in the Declaration); and

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WHEREAS, the Board held a meeting on April 18, 2023, at which at least a majority of the Directors were present and at which at least a majority of the Directors present did duly approve of amending and restating the Original Policy as set forth below.

NOW, THEREFORE, to give notice of the matters set forth herein, the undersigned, being the President of the Association, does hereby certify the foregoing to be true and correct and hereby provides notice that the Board did amend and restate the Original Policy as set forth below, to be effective upon recordation of this document in the Real Property Records of Montgomery County, Texas, and the below Amended and Restated Deed Restriction Enforcement Policy supersedes and takes the place of the Original Policy.

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Board of Directors Hearing:

1. If the property owner requests a hearing in writing, the Board of Director's must make arrangements for it to be held no later than thirty (30) days after the date that the Board or the property management company receives a written request.
2. The property management company will notify the property owner via first class mail at the property owner's last known address of the date, time, and place for the hearing, no later than ten (10) days prior to the hearing date.
3. Either party may request a ten (10) day postponement and additional postponements may be made by mutual agreement.
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Notice and /or Hearing Provisions Do Not Apply to the Following:

1. Lawsuit Filing. The notice and hearing provisions stated herein will not apply if the Associations files a law suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action.
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Forced Maintenance:

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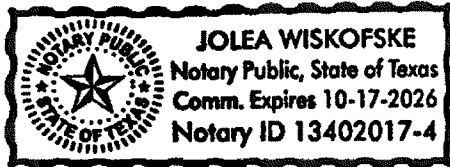
EFFECTIVE upon recordation in the Official Public Records of Montgomery County, Texas.

**OWNERS OF HIDDEN CREEK
COMMUNITY ASSOCIATION, INC.**, a Texas
non-profit corporation

By: Kendra Meyers
KENDRA MEYERS, President

STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on April 18, 2023, by Kendra Meyers President of OWNERS OF HIDDEN CREEK COMMUNITY ASSOCIATION, INC., a Texas non-profit corporation, for and on behalf of said corporation.



Jolea Wiskofske
Notary Public, State of Texas

E-FILED FOR RECORD

04/19/2023 09:34AM



L. Brandon Steinmann

County Clerk,
Montgomery County, Texas

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was e-filed in the file number sequence on the date and time stamped herein by me and was duly e-RECORDED in the Official Public Records of Montgomery County, Texas.

04/19/2023



L. Brandon Steinmann

County Clerk,
Montgomery County, Texas