

Violation Enforcement Guidelines and Fines Policy
For
Promontory Pointe Homeowners Association

**Revised September
2013**

The guiding principles of the Promontory Pointe Homeowners Association (PPHOA) are to foster a pleasing and wholesome residential environment, and strive to maintain and enhance property values within our community.

In order to achieve these principles, the Board of Directors (BOD) has adopted the following rules and guidelines for the use and good of the PPHOA.

These rules and guidelines will be enforced by the Board of Directors with the help of our management company, Association Management Services (AMS). Any homeowner may report violations by phone (210-829-7202), in writing (1600 N.E. Loop 410, Suite# 202, San Antonio, TX 78209), or by email (john@ams-sa.com) to AMS for action without their identity being divulged beyond the management company. The BOD will use independent confirmation of complaints to ensure fairness in assessing fines.

These policies do not replace the Declaration of Covenants, Conditions, and Restrictions (DCC&Rs) and HOA By-Laws, which remain the ultimate governing laws of our Association. This document is being distributed to all homeowners to establish a baseline for conformance. NOTE: All homeowners should have received a set of DCC&Rs from their homebuilder or title company. Our management company can provide a copy of the DCCR's for a fee. In addition, a copy of the HOA Promulgated Standards which outlines HOA covenants and rules is available online at the PPHOA website at <http://www.promontoryhoa.org>.

It is the duty of the Board of Directors to enact reasonable rules and to levy monetary penalties for failure to comply with the By-Laws and DCCRs of the Promontory Pointe Homeowners Associations. Since membership in the PPHOA is mandatory and not voluntary, all homeowners shall comply.

I. FINES

The Homeowner's Association has been empowered to fine violators in accordance with the DCCRs of Promontory Pointe Article IX "Rights and Obligations of the Association", Section 3, "Rules and Regulations", which states, "The Association, through its Board of Directors, may make and enforce reasonable rules and regulations governing the use of the Properties, which rules and regulations shall be consistent with the rights and duties established by this initial Declaration and any subsequent Supplemental Declarations. Sanctions may include reasonable monetary fines which shall constitute a lien upon the Owner's Lot (and improvements located thereon), and suspension of the right to vote, and the right to use the Common Properties and Facilities and to receive services contracted for through the Association. In addition, the Board shall have the power (but not the obligation) to seek relief in any court for violations or to abate unreasonable disturbances".

All fines will be assessed by the Board of Directors (BOD) through the Management Company, and will be added to the Homeowner's assessment account. The following schedule will apply to homeowners found violating our covenants and guidelines:

Notice	Violation Notice	Fine or Action
1st	Courtesy letter	No fine, sent via regular mail
2nd	Warning letter*	Sent via Certified Mail *
3rd	Fine letter	Fine \$100
4th plus	Fine letter	Fine \$200

***If the violation is a lot maintenance violation, the letter will provide 14 days to correct the violation, and if not corrected, the HOA will have the authority to have a contractor to enter the property and perform the maintenance or repair at homeowner expense.**

Each type of violation will be accumulated separately over a 12 month period, counted from the date of the first courtesy violation letter.

The first letter is a courtesy letter sent via regular mail.

The second letter will be sent via certified mail and will warn of a fine if the violation is not cured within a reasonable amount of time. Homeowners are given 14 days to correct a lot maintenance violation.

The third letter with fine will be sent via certified mail and will warn of another fine if the violation is not cured within a reasonable amount of time. Homeowners, their dependents or guests, accused of any violation may refute the fines through a hearing with the Association BOD, the Board's appointed representative, or the HOA attorney.

The fourth letter (and any additional violations during the 12 month period) with fine will be sent via certified mail and will warn of another fine if the violation is not cured within a reasonable amount of time. Homeowners, their dependents or guests, accused of any violation may refute the fines through a hearing with the Association BOD, the Board's appointed representative, or the HOA attorney.

Homeowners unable to correct the violation within 14 days may submit a plan for correction to the Board of Directors for consideration. All responses to include an update on what is being done to correct the problem or an appeal to the violation must be submitted in writing or by email.

The procedures set forth above shall in no way preclude the Board from pursuing any other remedies available under the PPHOA governing documents or under applicable law with regard to the enforcement of the PPHOA governing documents.

****If the Board determines a violation is a hazard to the health, safety and enjoyment of neighborhood residents or in violation of the law, legal action may be initiated without prior notice, and an immediate fine up to \$1000 may be imposed without prior notice.**

II. APPEALS/HEARINGS

If you receive a letter from AMS and you disagree, you may send your written appeal directly to AMS, ATTN: John Bouchier, 1600 N.E. Loop 410, Suite # 202, San Antonio, TX 78209. The homeowner shall have the right to submit a written/emailed appeal within 60 days of the date they receive the notice.

Should you desire to request a hearing with the BOD or their representatives, you may send your written/emailed request directly to AMS for processing as stated in the notice you received. The homeowner shall have the right to submit a written/emailed request for a hearing before the BOD within 60 days of the date they receive the notice.

Failure to retrieve certified mailings from AMS at the Post Office is not grounds for an appeal.

With the support and cooperation of all residents we can continue to keep Promontory Pointe a safe and beautiful place to live.

Sincerely,

Paul Brown,
President
PPHOA Board of Directors