

**Violation Enforcement Guidelines and Fines Policy  
For  
Promontory Pointe Homeowners Association, Inc.**

**Revised August 2016**

The guiding principles of the Promontory Pointe Homeowners Association, Inc., a Texas nonprofit corporation (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 PPHOA through our management company, with oversight provided by the BOD. Any homeowner may report violations by phone, in writing, or by email to the management company (contact info may be found on the HOA website) for investigation and possible action. Should PPHOA change management companies at any time, homeowners will be advised of the change via publication on the PPHOA website. At that time homeowners should contact the current management company. The BOD will use independent confirmation of complaints to ensure fairness in implementation of this policy and reduce the risk of punitive complaints from disputing homeowners.

These policies do not replace the Declaration of Covenants, Conditions, and Restrictions (DCC&Rs) and PPHOA By-Laws, which remain the ultimate governing regulations 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 right of the BOD to enact reasonable rules and to levy monetary penalties for failure to comply with the By-Laws and DCCRs of the PPHOA. As the By-Laws and DCCR's bind each parcel of land, all homeowners are deemed to have agreed to comply with the By-Laws and DCCR's upon accepting a deed to property with the PPHOA.

## **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 the right to use the Common Properties and Facilities. 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 BOD through the management company, and will be added to the Homeowner's assessment account. The following schedule will generally apply to homeowners found violating our covenants and guidelines:

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

**\*If the violation is a lot maintenance violation, the letter will provide a reasonable amount of time 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.**

**Additionally, any violation found to be incurable by the homeowner may be assessed a fine at any time upon discovery without a courtesy or warning letter being provided.**

Each type of violation will be accumulated separately over a 6 month period, counted from the date of the first certified letter. The first letter is a courtesy letter sent via regular mail except in the case of an incurable violation.

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 a reasonable amount of time to correct a violation or submit a written plan to correct a 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 accused of any violation may refute the fines through a hearing with the BOD, the BOD's appointed representative, or the HOA attorney.

The fourth letter (and any additional violations during the 6 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 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 the specified time may submit a plan for correction to the BOD 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 BOD 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. Final determination of what constitutes a "reasonable amount of time" in accordance with this policy shall be had by the BOD in its sole and absolute discretion, but the time given must comply with Texas law.

**If the BOD 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 the PPHOA management company and you disagree, you may send your written appeal directly to the management company. 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 the management company for processing as stated in the notice you received.

Failure to retrieve certified mailings 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.

*[Remainder of Page Intentionally Left Blank]*

Sincerely,

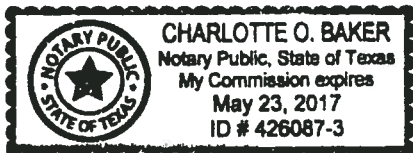
**PROMONTORY POINTE HOMEOWNERS ASSOCIATION, INC.,**  
a Texas nonprofit corporation

By:   
Ryan Sweeney  
Its, President

**STATE OF TEXAS**

**COUNTY OF BEXAR**

BEFORE ME, the undersigned authority, on this 11th day of August, 2016, appeared Ryan Sweeney, a person known to me who affixed his signature to this document and did so state that he was doing so in his capacity as President of the Promontory Pointe Homeowners Association, Inc., a Texas nonprofit corporation, on behalf of said corporation.



  
Notary Public, State of Texas

After Recording, Return to:  
Promontory Pointe Homeowners Association, Inc.  
Attn: Property Manager  
6391 DeZavala Road, Suite 223 D  
San Antonio, Texas 78249

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this Instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

AUG 11 2016



*Gerard C. Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20160156556 Fees: \$42.00  
08/11/2016 4:14PM # Pages 5  
Filed & Recorded in the Official  
Public Records of BEXAR COUNTY  
GERARD C. RICKHOFF COUNTY CLERK