

Mission Manor Homeowners Association, Inc.
Mission, Texas

FINES & ENFORCEMENT POLICY

This Fines and Enforcement Policy was adopted by the Mission Manor Homeowners Association Inc., Board of Directors on June 22 2023

The Declarations of Covenants and Restrictions and By-Laws of the Mission Manor Homeowners Association, Inc. allow the Association to enforce restrictions and institute a policy regarding fines.

The following policy regarding violation fines complies with those documents and the required Texas Property Code notice requirements in §209:

- The first citation for a violation class (example: Yard maintenance needed) will be mailed via regular first class mail to the owner of the Lot as required by the Texas Property Code and is considered legal notice of impending fine if violation is not cured.
- The second citation for a violation of the same class will result in the fine established within the Association documents plus an additional \$20.00 charge for the certification of the letter. Fine and fee will be charged to the owner of the lot of the violation.
- Each further occurrence of the same class of violation will incur another fine in the same amount for each violation citation and an additional \$20.00 charge for the certified letter.
- When a complaint regarding a violation is registered with the Board of Directors by a Member of the Association, and this violation could result in the Owner (Violator) receiving a certified notice proposing fines from the Association, the Member making the complaint must provide full, fair and concise documentation of the violation they are reporting. The documentation should specify the violation and note the time date and degree of the violation if applicable. Evidence of violation, such as photos, may be required from the Member complaining by the Board prior to any action. Complaint must be in written form and signed by the Member making the complaint. Complaints that are received without documentation and which cannot be independently observed and documented by a representative of the Board of Directors will not be acted upon.
- If six (6) repeat violations occur within any six month period and the violation is not cured within 10 days of the 6th notice the matter will be referred to the Association's attorney for further action. In this event, all related costs, including but not limited to, attorneys' fees, collection fees, court costs and mailing, handling, and service costs will be the responsibility of, and billed to the Association account of the Owner (Violator).

Violation Classes

For the purposes of convenience only, groupings of similar violations, such as but not limited to, "yard maintenance" or "building maintenance" shall be referred to as violation classes.

Two notices within a violation class, such as 'yard maintenance' will result in the trigger of the fines/citations as stated above. In this example, this can be any combination of mowing, edging, weed control, etc. which would normally be associated with "yard Maintenance". (Not two notices to mow or two notices to edge, etc.)

Look Back Period

The Texas Property Code allows a six-month 'look-back' period. This means any previous notice sent for the same violation class within the past six months will result in progression of the violation citation. If the owner has no further recurrences/citations of the violation class within six months, the violation is considered cured and the violation sequence is restarted.

Right of Violator to contest

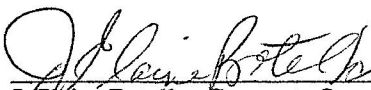
When a fine is assessed, the owner has 30 days to make a written request for a hearing with the Board to contest the fine. An owner will have the opportunity to contest any fine that is assessed against his or her account.

Commentary

The Texas Property Code requires that the notice resulting in a fine and all subsequent fine notices be sent via certified mail which constitutes legal notice to the owner. Each owner is required to keep the Association notified of a current valid mailing address (one at which the owner receives certified mail without being forwarded).

A charge of \$20.00 for each certified letter mailed will be charged to the homeowner's account to which the violation is cited. It is the opinion of the Board of Directors that the Association and Member homeowners in compliance should not be responsible for paying charges incurred when another homeowner's fails to comply with the Declaration.

The above resolution adopted on the 22 day of JUNE 2023, by the Board of Directors of the Association.



J. Elaine Botelho, Corporate Secretary



Mission Manor Homeowners Association, Inc.
Mission, Texas

Fines and Enforcement Policy

Addendum

Schedule of Fines

by class and process

Addendum adopted April 18, 2024

Mission Manor Homeowners Association, Inc.

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Schedule of Fines by class

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yard and building maintenance violations

General definition

Yard maintenance includes all vegetation, rock yards, fencing, and related (*)

Building maintenance includes exterior primary structure, outbuildings, sheds, patios, other structures, and related (*)

(*) See Covenants and By-laws for more complete definitions

Original Violation

The first citation for a violation will be mailed via regular first class mail to the owner/violator of the Lot and is considered legal notice of impending fine if violation is not cured within 15 days of the date of the mailing.

Continuing violation

- 1) Fifteen days following the mailing of the first citation, a second citation for a continuing violation shall be sent by certified mail, return receipt requested, describing the continuing violation. This second citation for an unresolved and/or continuing violation of the same class will advise owner/violator of a fine of \$10.00 (ten dollars) PER DAY as of the 16th day following the mailing date of the **first** citation. Owner/violator will be informed of a \$20.00 charge for the certification of this mailing which will be charged to the owner/violator of the lot in violation.
- 2) A third citation for a continuing violation shall be a written notice sent by certified mail, return receipt requested, describing the continuing violation. The third citation for an unresolved and/or continuing violation of the same class will incur an increase of the daily fine to \$20.00 (twenty dollars) PER DAY as of the 45th day following the mailing date of the **first** citation. There will be a separate \$20.00 charge for the certification of the letter. A third citation will also trigger an INTEREST PENALTY of 18% (eighteen percent) per annum will be applied retroactive to the date of the second citation notice.
- 3) After the third monthly citation, monthly demands shall take the form of invoices for payment of fines, certification costs, interest and any and all such other costs, including attorney fees, as may legally be included, which will be sent by certified mail, return receipt requested. There will be an additional \$20.00 charge for the certification of each monthly invoice.
- 4) Following a period of six months (180 days) from the mailing of the first citation, the Board of Directors may direct the attorney of the Association to secure a judgement in any court of ample jurisdiction, which will result in a lien being filed against the owner/violator. The Board of Directors may further direct the attorney to take such other actions against owner/violator as it may deem legally necessary.

Nothing hereunder shall preclude the board from taking such other action as it may deem appropriate.

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Assessments

Late payment of Association Annual and Special Assessments

Annual Assessment (a/k/a: annual dues):

Payment of Annual Assessment Due Date: January 1.

Payments made after January 31 are subject to late fees of 18% per annum (calculated to date of payment) plus a one-time late charge of \$30 (By-laws Sec. 11.02) (Covenants Sec. 2.03 and Sec. 11.04)

Members wishing to establish a plan for the incremental payment of the annual assessment may request such a plan from the Board of Directors in accordance with the Payment Plan Policy, as available online on the website of the Association www.missionmanor.org. Penalties and fees for failing to follow the terms of an agreed payment plan are outlined within the policy.

Special Assessments:

Due date for payment of any Special Assessment will be set by the Board of Directors whenever a specific due date is not included in the vote of the membership authorizing the Special Assessment. Due date shall be set not less than 60 days following the vote of the membership or 60 days following the vote of the Board of Directors, whichever is farther away.

Board of Directors may allow payment as two equal payments as a convenience to the members of the Association, with the first payment due on or before 30 days prior to the general due date and the second due on or before the actual due date.

Members wishing to establish an alternative payment plan may request such a plan from the Board of Directors in accordance with the Payment Plan Policy, as available online on the website of the Association at: www.missionmanor.org. Penalties and fees for failing to follow the terms of an agreed payment plan are outlined within the policy.

Nothing hereunder shall preclude the board from taking such other action as it may deem appropriate.

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Calculating fines and fees for late payment of Association Annual Fee

The following is an example ONLY

Association 2024 Annual Fee: \$370.00

Fines for late payment:

Assessment fee Due Date: January 1.

Payments made after January 31 are subject to late fees of 18% per annum (calculated to date of payment) plus a one-time late charge of \$30 (By-laws Sec. 11.02) (Covenants Sec. 2.03 and Sec. 11.04)

Calculation of interest and penalty for this example

Payment due \$370.00

Payment received on: June 15

Number of days delinquent from original due date of January 1 = 166 days

Formula to establish interest due:

- 1). Number of days delinquent (166) divided by 365 (days in a year) = interest factor of .4548
- 2). Multiply the max interest of 18% x \$370 = annual interest of \$66.60
- 3). Multiple \$66.60 by .4548 = interest penalty for period of 166 days \$30.29

Total late interest fee \$ 30.29

one-time late charge \$ 30.00

total late penalty due as calculated above: \$ 60.29

TOTAL PAYMENT DUE on 166th day \$370.00 + \$60.29 = \$430.29

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REMINDER:

Member may request a Payment Plan prior to delinquency
(see payment plan policy at: www.missionmanor.org)

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Common Area Rules and Regulations violations

Violations of the Common Area Rules

Owner/Members of the Association, and any/all persons in continuous residence with Owner/Member, as indicated on a current official Association Occupancy (a/k/a census) form as submitted by Owner/Member, and their guests, are subject to all Common Area Rules and Regulations.

Owner/Member Responsibility for violations by family members, guest, tenant, tenant guests

It is the obligation of the Owner/Member of the Association to inform any/all guest(s) of Owner/Member (including a family member), renter/tenant(s) of the Owner/Member, and guest(s) of renter/tenant(s) of the Owner/Member, of all Common Area Rules and Regulations. It is the responsibility of the Owner/member to assure compliance with all Common Area Rules and Regulations by such persons.

Violations of and related penalties for violations of Common Area Rules and Regulations by guests of Owner/Member (including family members), renter/tenants of the Owner/Member, and/or guests of renter/tenants shall devolve upon the Owner/Member. Owner/Member may not assign their obligation hereunder.

Owner/Member responsible for damages

Common Area Rule 27 states: "Any damage done by a member or member's guest is the responsibility of that member. Damage will be repaired by the Mission Manor Homeowner's Association, Inc. and all related expenses will be reimbursed in full by the member responsible."

Owner/Member may petition Board of Directors for a payment plan under that policy for reimbursement for damages under this Rule. Board of Directors is not obligated to agree to a payment plan for reimbursement for damages and may agree to such a plan only when the deferral of full payment under such a plan does not materially effect the general financial health of the Association.

Penalties for violations of all Common Area Rules and Regulations

Fines for violations of all Common Area Rules and Regulations shall be **\$5.00 per day** beginning with a second citation for the same and recurring violation.

A further penalty of suspension of Owner/Member from Common Area usage privileges shall apply as follows:

1st citation – written or verbal warning of impending loss of Common Area privileges.

2nd citation, for the same and/or recurring violation within 30 days following first citation will result in immediate loss of common area privileges for 7 days and a fine of \$35.00 (\$5.00 per day).

3rd citation for the same and recurring violation within 30 days following second citation will result in immediate loss of common area privileges for 30 days and a fine of \$150.00 (\$5.00 per day).

In the event that the same offense continues or recurs thereafter, the Board of Directors may determine to suspend Common Area privileges of the Member/Owner for any period up to and including 12 months during which time fines shall not be assessed.

Nothing hereunder shall preclude the board from taking such other action as it may deem appropriate.

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Schedule of Fines by class

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Pet Policy violations

In those cases where a violation of the Association Pet Policy also violates the Pet Ordinances of the City of Mission, the Association will provide the City of Mission with notice of the particulars of the violation whereupon the City will make its determination and process the violation under its Ordinances. In any instance where the City of Mission fails to initiate action deemed appropriate by the Association within 7 days following said notice to the City, then and in that case, the Board of Directors of the Association may elect to process the violation under the terms of the Pet Policy. In those cases where the violation exists under the Association Pet Policy only, the Board of Directors shall process the violation under the provisions of the Pet Policy and other applicable rules of the Association.

Type "A" Violations

Type "A" violations are defined for this purpose as all violations of the Pet Policy not specifically listed as a type "B" violation. Fines for type "A" violations shall be not less than \$5.00 nor more than \$10.00 per day as applied below.

Original Violation

The first citation for a Type "A" violation will be mailed via regular first class mail to the owner/violator of the Lot and is considered legal notice of impending fine if violation is not cured within 15 days of the date of the mailing.

Continuing violation

- 1) Fifteen days following the mailing of the first citation, a second citation for a continuing violation shall be sent by certified mail, return receipt requested, describing the continuing violation. This second citation for an unresolved and/or continuing violation of the same class will advise owner/violator of a fine of \$5.00 (five dollars) PER DAY as of the 16th day following the mailing date of the first citation. Owner/violator will be informed of a \$20.00 charge for the certification of this mailing which will be charged to the owner/violator of the lot in violation.
- 2) A third citation for a continuing violation shall be a written notice sent by certified mail, return receipt requested, describing the continuing violation. The third citation for an unresolved and/or continuing violation of the same class will incur an increase of the daily fine to \$20.00 (twenty dollars) PER DAY as of the 45th day following the mailing date of the first citation. There will be a separate \$20.00 charge for the certification of the letter. A third citation will also trigger an INTEREST PENALTY of 18% (eighteen percent) per annum will be applied retroactive to the date of the second citation notice.
- 3) After the third monthly citation, monthly demands shall take the form of invoices for payment of fines, certification costs, interest and any and all such other costs, including attorney fees, as may legally be included, which will be sent by certified mail, return receipt requested. There will be an additional \$20.00 charge for the certification of each monthly invoice.

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Schedule of Fines by class
Pet Policy fines (continued)

- 4) Following a period of six months (180 days) from the mailing of the first citation, the Board of Directors may direct the attorney of the Association to secure a judgement in any court of ample jurisdiction, which will result in a lien being filed against the owner/violator. The Board of Directors may further direct the attorney to take such other actions against owner/violator as it may deem legally necessary.

TYPE "B" Violations

A type "B" violations shall be any violation relating to a dangerous or vicious animal(s) (see Pet Policy #14); Fines for type "B" violations shall be not less than \$25.00 nor more than \$50.00 per day as applied below.

Original ViolationReferral to City of Mission

Type "B" violations will be referred immediately, either verbally or in writing (as time is of the essence) to the City of Mission and include a request that such dangerous or vicious animal(s) be immediately removed for the safety of the membership of the Association. The Association will provide any and all other information concerning the animal as is then available to it.

Failure of City of Mission to Act in timely manner

In the event that the City of Mission fails to act within 48 hours of the notice from the Association, the Board of Directors may elect to process the violation under the Pet Policy as follows:
A citation for a Type "B" violation shall be sent by certified mail, return receipt requested, describing the violation and demanding the removal of the dangerous or vicious animal. This citation will advise owner/violator of a fine of \$25.00 (twenty-five dollars) PER DAY, as of the date of this mailing. Owner/violator will be informed of a \$20.00 charge for the certification of this mailing which will be charged to the owner/violator of the lot in violation.

Continuing Violation

- 1) Fifteen days following the initial citation, a second citation for a continuing violation shall be issued by the Association as a written notice sent by certified mail, return receipt requested, describing the continuing violation and demand.
The second citation for an unresolved and/or continuing violation will incur an increase of the daily fine to \$50.00 (fifty dollars) PER DAY as of the 30th day following the mailing date of the first citation. There will be a separate \$20.00 charge for the certification of the letter. A second citation will also trigger an immediate loss of membership common area privileges
- 2) Following a period of 30 days from the mailing of the first citation, the Board of Directors may direct the attorney of the Association to seek a judgement in any court of ample jurisdiction, which will result in the dangerous or vicious animal being removed. The Board of Directors may further direct the attorney to take such other actions against owner/violator as it may deem legally necessary.

Nothing hereunder shall preclude the board from taking such other action as it may deem appropriate.

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Schedule of Fines by class

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Political Display violations

General definition

Political Displays include signs and flags which support a candidate and/or question appearing on a ballot, as defined in the Mission Manor Policy governing Political Display.

Original Violation

The first citation for a violation will be mailed via regular first class mail to the owner/violator of the Lot and is considered legal notice of impending fine if violation is not cured within 15 days of the date of the mailing.

Continuing violation

- 1) Fifteen days following the mailing of the first citation, a second citation for a continuing violation shall be sent by certified mail, return receipt requested, describing the continuing violation. This second citation for an unresolved and/or continuing violation of the same class will advise owner/violator of a fine of \$10.00 (ten dollars) PER DAY as the 16th day following the mailing date of the **first** citation. Owner/violator will be informed of a \$20.00 charge for the certification of this mailing which will be charged to the owner/violator of the lot in violation.
- 2) A third citation for a continuing violation shall be a written notice sent by certified mail, return receipt requested, describing the continuing violation. The third citation for an unresolved and/or continuing violation of the same class will incur an increase of the daily fine to \$20.00 (twenty dollars) PER DAY as of the 45th day following the mailing date of the **first** citation. There will be a separate \$20.00 charge for the certification of the letter. A third citation will also trigger an INTEREST PENALTY of 18% (eighteen percent) per annum will be applied retroactive to the date of the second citation notice.
- 3) After the third monthly citation, monthly demands shall take the form of invoices for payment of fines, certification costs, interest and any and all such other costs, including attorney fees, as may legally be included, which will be sent by certified mail, return receipt requested. There will be an additional \$20.00, charge added as incurred, for the certification of each monthly invoice.
- 4) Following a period of six months (180 days) from the mailing of the first citation, the Board of Directors may direct the attorney of the Association to secure a judgement in any court of ample jurisdiction, which will result in a lien being filed against the owner/violator. The Board of Directors may further direct the attorney to take such other actions against owner/violator as it may deem legally necessary.
- 5) In those cases where the violation of this policy also constitutes a violation of state law (*Texas Election Code Sec 259.002*) the Board of Directors may, at any time of its choosing, instruct its attorney to file a complaint with any appropriate agency of the State of Texas.

Nothing hereunder shall preclude the board from taking such other action as it may deem appropriate.

Mission Manor Homeowners Association, Inc.

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RENTAL AND LEASING POLICY and RULES

General definition

A vote of the membership of the Association at the Annual Meeting of February 3, 2024 approving and adopting Article 16 of the By-Laws authorized the Board of Directors to establish rules and policies for the renting and leasing of properties within the Association.

Violations

A violation occurs when an owner fails to satisfy any of the requirements established within the policy.

Fine Amounts

All violations are subject to a fine of \$5.00 per day per violation.

Original Violation(s)

The first citation for any and all violations will be mailed via regular first class mail to the owner/violator of the Lot and is considered legal notice of impending fine if violation is not cured within 15 days of the date of the mailing. Whenever multiple violations related to the same property exist, each may be listed within the first citation violation notice provided that it is stated that each violation will incur a separate fine of \$5.00 per day.

Continuing violation(s)

- 1) Fifteen days following the mailing of the first citation, a second citation in writing for continuing violation(s) shall be sent by certified mail, return receipt requested, describing the continuing violation or violations. This second citation for unresolved and/or continuing violation(s) will advise owner/violator of a fine of \$5.00 (five dollars) PER DAY per violation as of the 16th day following the mailing date of the first citation. Owner/violator will be informed of a \$20.00 charge for the certification of this mailing which will be charged to the owner/violator of the lot in violation.
- 2) A third citation for continuing violation or violations shall be a written notice sent by certified mail, return receipt requested, describing the continuing violation(s). There will be a separate \$20.00 charge for the certification of this letter. A third citation will also trigger an INTEREST PENALTY of 18% (eighteen percent) per annum will be applied retroactive to the date of the second citation notice.
- 3) After the third monthly citation, monthly demands shall take the form of invoices for payment of fines, certification costs, interest and any and all such other costs, including attorney fees, as may legally be included, which will be sent by certified mail, return receipt requested. A third citation will result in the loss of all common area privileges which loss of privileges will remain in effect until violation(s) is cured.
There will be an additional \$20.00 charge for the certification of each monthly invoice.
- 4) Following a period of six months (180 days) from the mailing of the first citation, the Board of Directors may direct the attorney of the Association to secure a judgement in any court of ample jurisdiction, which will result in a lien being filed against the owner/violator. The Board of Directors may further direct the attorney to take such other actions against owner/violator as it may deem legally necessary.

Nothing hereunder shall preclude the board from taking such other action as it may deem appropriate.

Mission Manor Homeowners Association, Inc.

Fines and Enforcement Policy- Addendum

Fines

Other Violations

Violations not specifically covered by this addendum shall be addressed in the manner established by the Fines & Enforcement Policy as adopted on June 23, 2023