

STATE OF TEXAS  
COUNTY OF TRAVIS

Community Association Rules and Regulations  
Arbors Owners Association

The Declaration for the Arbors Owners Association was filed of record in Vol. 7391 Page 83 and amended in Vol. 10679 Page 430 of the Official Public Records of Travis County, Texas.

Section 8.2.9 of the Declaration grants the Board of the Arbors Owners Association ("Association") rulemaking authority for the property. The board has adopted the following rules and hereby files them of record in accordance with Texas Property Code Chapter 202.

Arbors Owners Association

By: Mario L. Garcia

Title: PRESIDENT

Printed name (please print clearly): Mario Garcia

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on the 20 day of October, 2015, by Mario Garcia (please print clearly) in the capacity stated above.

Patricia Cron  
Notary Public, State of Texas



## **CODE OF CONDUCT:**

For the benefit of all residents in the interest of having maximum ability of residents to peaceably enjoy their homes, the Board has adopted this rule. Owners, residents, and guests will conduct themselves in a neighborly manner when dealing with the Association's officers, directors, committee members, Manager, employees, contractors, agents, and other Owners, residents, and guests. No person has the right to unreasonably annoy or abuse another, or the duty to tolerate unreasonably annoyance or abuse.

1. Prohibited conduct. The following conduct is expressly prohibited:
  - a) photographing or video taping residents or guest in the community without their express consent;
  - b) verbal abuse;
  - c) insults and derogatory name-calling;
  - d) cursing;
  - e) aggressive and/or threatening behavior;
  - f) hostile or unwanted touching/physical contact;
  - g) sexual harassment or lewd behavior;
  - h) posting correspondence on the doors of directors and officers;
  - i) correspondence, whether oral, written, or electronic, that is deemed in the Board's or Manager's sole discretion to be harassing or intimidating (the Board and/or Manager will consider the tone, time, and frequency of correspondence in determining whether correspondence is harassing or intimidating);
  - j) suggestive language or other language that is likely to be offensive to an ordinary person;
  - k) asking Association or Manager personnel to perform personal errands;
  - l) noise or other nuisance that unreasonably interferes with a resident's peaceful enjoyment of the community.
2. Requests for an owner to leave. Any Owner, resident, or guest who is requested to leave the Manager's office or an Association facility or meeting shall do so immediately.
3. Communication with the Association Manager or Board. The Board or Manager may in their sole discretion require, upon notice to a resident or Owner, that all communication from the resident or Owner be in writing. Once such notice is provided, the Board or Manager may in their sole discretion decline to reply to any other method of correspondence.
4. Communication from tenants. All communications related to Association matters must come from Owners rather than their tenants. The Board or Manager in their sole discretion may decline to reply to communications from tenants.

5. Association employees/contractors. Owners and residents may not instruct, direct, or supervise the Association's or Manager's employees, agents, or contractors unless otherwise directed to do so by the Board. Owners, residents, and guests may not harass or interfere with the performance of any duties being performed by the Association's or Manager's employees, agents, or contractors.

<b>ENFORCEMENT:</b>
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1. Background. This fining policy is based on the requirements of Section 82.102 of the Texas Uniform Condominium Act (TUCA), Chapter 82, Texas Property Code. To establish policies and procedures for fining under TUCA, the Board adopts this policy.
2. Policy. The Association uses fines to discourage violations of the deed restrictions, and to encourage compliance when a violation occurs – not to punish violators or generate revenue for the Association. Although a fine may be an effective and efficient remedy for certain types of violations or violators, it is only one of several methods available to the Association for enforcing the governing instruments. The Association's use of fines does not interfere with its exercise of other rights and remedies for the same violation.
3. Owner's Liability. An owner is liable for fines levied by the Association for violations of the deed restrictions (including Declaration/CCRs, Bylaws, Rules, and any other restriction) by the owner, the residents of the unit, and the relatives, guests, employees, and agents of the owner and residents. Regardless of who performs the violation, the Association will direct its communications to the owner, although the Association may send copies of its notices to the unit resident.
4. Enforcement Costs. The Association may assess the owner all costs of enforcement and collection, including attorney fees.
5. Violation Notice. Before levying a fine or damage charge, the Association will give the owner a written violation notice and an opportunity to be heard. The Association's written violation notice will contain the following items:
  - (1) a description of the violation or property damage;
  - (2) the amount of any proposed fine or damage charge (if no amount is listed, the proposed fine will be deemed to be in accordance with the association's standard fining schedule);

(3) a statement that not later than the 30<sup>th</sup> day after the date of the violation notice, the owner may request a hearing before the Board to contest the fine or damage charge.

(4) *if applicable* (see (b) below), the deadline for curing the violation avoiding any fine.

(a) New Violation. If the owner was not given notice and a reasonable opportunity to cure a similar violation within the preceding 12 months, the notice will state a specific date by which the violation must be cured to avoid the fine.

(b) Repeat Violation. If notice and an opportunity to cure a violation was given to the unit owner within the preceding 12 months, no cure period (no notice of opportunity to cure) need be given and the fine may be immediately assessed.

6. Violation Hearing. An owner may request in writing a hearing by the Board to contest the fine. To request a hearing before the Board, an owner must submit a written request to the Association's manager within 30 days after the date of the violation notice. Pending the hearing, the Association may continue to exercise its other rights and remedies for the violation. The hearing will be held in a closed or executive session of the Board. At the hearing, the Board will consider the facts and circumstances surrounding the violation. The owner may attend the hearing in person, or may be represented by another person or written communication. No audio or video recording of the hearing may be made.

7. Levy of Fine. Within 30 days after levying the fine, the Board will give the owner notice of the levied fine. If the fine is levied at the hearing at which the owner is actually present, the notice requirement will be satisfied if the Board announces its decision to the owner at the hearing. Otherwise, the notice will be in writing and sent via mail, email, or fax. The Association may also give the owner periodic written notices of an accruing fine or the application of an owner's payments to reduce the fine. The periodic notices may be in the form of monthly statements or delinquency notices.

8. Amount. The Board may set fine amounts on a case by case basis. The standard fining schedule is as follows:

1<sup>st</sup> Violation – Warning and opportunity to cure

2<sup>nd</sup> Violation - \$25.00 fine

3<sup>rd</sup> Violation (violation not remedied in response to letter #2) – \$50.00 fine

4<sup>th</sup> Violation (violation not remedied in response to letter #3) – \$100 fine

5<sup>th</sup> Violation and Violations thereafter – \$100 fine

Standard notices regarding violations may be sent by any method of mailing, by email, or by fax.

9. Type of Levy. If the violation is ongoing or continuous, the fine will be levied on daily basis beginning on the date the fine attaches or begins accruing. If the violation is not ongoing, but is instead sporadic or periodic, the fine will be levied on a per-occurrence basis.
10. Application of Payments. The association may apply payments received from owners to any amounts due to the association, regardless of directions from owners otherwise. Monies can be applied to non-assessment items first, such as fines, late charges, NSF charges, user fees, damages, etc.
11. Deviation from Standard Policy; authority of agents. The Board reserves the right to alter the standard violation and enforcement process if in its sole discretion such action is warranted (including increasing or reducing the number of notices, or amount of fines), provided that the minimum notice requirements of state law are met.

The management company, Association attorney, or other authorized agent of the Association is granted authority to carry out this standard enforcement and fining procedure absent express direction otherwise from the Board, without further vote or action of the Board. The management company may also use its discretion in directing the matter to the Association's attorney at any stage in the enforcement process. This authority notwithstanding, the management company or Association attorney shall communicate with the Board and/or certain designated officers or agents on a routine basis with regard to enforcement actions, and the Board reserves the right to establish further policies with regard to enforcement efforts generally and to make decisions about particular enforcement actions on a case-by-case basis if and when it deems appropriate.

12. Board decision to pursue enforcement action. The decision to pursue enforcement action in any particular case shall be left to the board's discretion. For example, the board may determine that, in a particular case, (i) the association's position is not strong enough to justify taking any or further action, or the board does not have sufficient evidence to pursue an enforcement action; (ii) the covenant or rule being enforced is, or is likely to be construed as, inconsistent with applicable law; (iii) although a technical violation may exist or may have occurred, it is not of such a material nature as to be objectionable to a reasonable person or to justify expending the Association's resources; (v) it is not in the association's best interest, based upon hardship, expense, or other reasonable criteria, to pursue enforcement action; or (vi) the issue is one more appropriately addressed by law enforcement or other governmental body, in which case the board may contact, or advise the complaining party to contact, law enforcement or the appropriate governmental body.

After recording, please return to:  
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1122 Colorado Street  
Austin, Texas 78701



**FILED AND RECORDED**  
**OFFICIAL PUBLIC RECORDS**

*Dana Debeauvoir*

DANA DEBEAUVOIR, COUNTY CLERK  
TRAVIS COUNTY, TEXAS

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