

Resolution 14 - Guidelines for Enforcement, 1-25-26

WHEREAS, Article VI, Section 6.23. *Enforcement: Legal Remedies* states: The Board shall have the power to make such rules and regulations as may be necessary to carry out the intent of these restrictions, and shall have the right to bring lawsuits to enforce the rules and regulations adopted by it. The Board shall further have the right to levy fines for violations of these Rules or the CCRs and any such fine shall be considered an assessment to be levied against the particular Owner involved. Fines may be levied against an Owner's tenant, and the Owner shall be jointly and severally liable with the tenant for payment of any fines. In the event the Board institutes legal action for collection of any fines, the defendant shall be liable for reasonable attorney's fees and legal costs and disbursements. The failure of any Owner to comply with any provision of this Declaration, the Articles, Bylaws, or the Association Rules, and failure to correct any such noncompliance shall give rise to a cause of action by the Association and any aggrieved Owner for the recovery of damages or for injunctive relief, or both.

WHEREAS, Article IX, Section 14.1. *Default and Remedies* states: Failure to comply with any of the terms of this Declaration, the Articles, the Bylaws or the rules and regulations, shall constitute an event of default and shall be grounds for relief, which may include without limitation an action by the Association or any aggrieved Owner to recover sums due for damages and injunctive relief or any combination thereof.

WHEREAS, Article XIV, Section 14.5. *Enforcement* states: The Association, any Owner, the Developer, or any Mortgagee, as their interest may appear, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now and hereinafter imposed by the provisions of this Declaration.

WHEREAS, Article XV, Section 15.8. *Liberal Construction*. The provisions of this Declaration shall be liberally construed to effectuate its purpose. Failure to enforce any provision of the Declaration shall not constitute a waiver of the right to enforce the provision thereafter.

WHEREAS, the Board of Directors (the "Board") desires to adopt a procedure for handling general violations of the Declaration, which includes the ability to levy fines in the event verbal and written warnings fail to achieve compliance with the provisions of the current CCR's and Resolutions.

NOW THEREFORE BE IT RESOLVED, the following procedure will apply for handling general violations of the Declaration that have not been addressed specifically by other resolutions.

Procedure for Handling General Violations

The Royal Oak Maintenance Association (the “Association”) is a self-governed community. It is the sincere desire of the Board that compliance with the Declaration of Covenants, Conditions, and Restrictions (“CCRs”) can be achieved through friendly communication and cooperation, without the need for formal enforcement actions.

However, from time to time, alleged violations may occur that cannot be resolved through informal discussion alone. In those situations, a formal complaint process is available.

Initiating a Formal Complaint (All owners are members)

To address an alleged violation, a member must submit a formal complaint. Complaints must be submitted using the **Action Items – Complaints Form**, which is available on the [Action Items and Complaints](#) page of the Royal Oak website.

The form includes three sections—Pet Incidents, Action Items, and Complaints—each with questions specific to the type of submission. For complaints, the form asks whether the reporting party has already communicated with the affected neighbor. **While prior communication is not required, the Board strongly encourages Owners to first discuss concerns directly with their neighbor whenever possible. The Board believes a good-neighbor approach and friendly communication should be the first step, as we are all members of the Royal Oak community.**

Complaints may be submitted electronically or in writing. A fillable electronic form is preferred; however, a PDF version of the form is available below the electronic link for those unable or unwilling to submit online. A paper copy will be supplied upon request.

The Board will only consider written or electronic complaints submitted by members.

Once an electronic complaint is submitted, a Board Member will be notified.

Review of Complaint

If the Board determines that the alleged activity or incident is actionable and involves a **curable violation**, a Board Member will share the complaint with the affected Owner and proceed as outlined below.

Enforcement Steps for Curable Violations

First Offense - (No fines)

The Owner will receive a **Verbal Notice of an Actionable Complaint**. The verbal notice will be delivered in person, by at least 2 board members :

- Describe the alleged violation & discuss the solution/remedy with the owner
- Provide a reasonable time frame and deadline to cure the violation
- Inform the Owner of the right to request a hearing with the Board within 30 days of the notice

Second Offense - (No fines)

If the same or substantially similar violation occurs again, the Owner will receive a **Written Notice** sent by certified mail. The written notice will:

- Describe the alleged violation & provide the owner with solution/remedy
 - Provide a reasonable time frame and deadline to cure the violation
 - Inform the Owner of the right to request a hearing with the Board within 30 days of the notice
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The steps below are available if the First and Second Notifications fail to correct the violation. All rules conform with the Texas Property Code.

Hearing, Fine, and Appeal Provisions - Provisions Conform with Texas Property Code

Request for Hearing

An Owner who receives a written notice of violation shall have the right to request a hearing before the Board. Any request for a hearing must be submitted in writing to the Association within **thirty (30) days** of the date the written notice of violation is sent.

- If a timely request for a hearing is received, the Board shall schedule a hearing and provide the Owner with written notice of the date, time, and location of the hearing. The hearing shall be held **no earlier than ten (10) days and no later than thirty (30) days** after the date the notice of the hearing is sent, unless the parties mutually agree otherwise.

Conduct of Hearing

The hearing shall be conducted before the Board or a committee appointed by the Board. The Owner shall be afforded a reasonable opportunity to:

- Attend the hearing in person or by other means permitted by the Board;
- Present information, testimony, or documentation relevant to the alleged violation; and
- Respond to any information presented by the Association.
- The hearing shall be conducted in an orderly and non-adversarial manner. Formal rules of evidence shall not apply.

Board Determination

After the hearing, the Board shall deliberate in executive session and determine whether a violation of the Declaration has occurred. The Board's decision shall be based on the information presented at the hearing and any relevant facts known to the Board.

The Board shall provide the Owner with written notice of its decision within a reasonable time following the hearing. The written notice shall:

- State whether the Board has determined that a violation exists;
- Identify any corrective action required, if applicable;
- Provide a deadline for compliance; and

- State whether a fine or other enforcement action will be imposed.

Authority to Impose Fines

If the Board determines that a violation exists and that the Owner has failed to cure the violation within the time allowed, the Board may impose fines in accordance with the Declaration, these rules, and applicable law.

Fines shall be reasonable and proportionate to the nature and severity of the violation. The Board affirms that fines are intended to encourage compliance and are **not punitive in nature**. The Board shall use fines only after reasonable efforts to achieve voluntary compliance have failed.

No fine shall be imposed without providing the Owner notice and an opportunity for a hearing as required by this policy and the Texas Property Code.

Any fines that have been imposed:

- Are subject to notice and a hearing
- Must follow Texas law
- Are intended to encourage compliance—not punishment

Violation Level

Fine Amount

- | | |
|---------------------------------------|--|
| ● First confirmed violation (verbal) | Warning only |
| ● First confirmed violation (written) | Warning only |
| ● Second violation (same offense) | Up to \$100 |
| ● Third violation | Up to \$200 |
| ● Continuing violation | Up to \$25 per day, capped at \$500 per occurrence |

Fines are one of several tools available and are not required before other enforcement options are considered.

Continuing Violations

For violations that are continuing in nature, the Board may impose fines on a per-occurrence or per-day basis, as permitted by the Declaration and applicable law, provided that the Owner has been given notice and an opportunity to cure the violation.

Appeal of Board Decision

An Owner may submit a written request for reconsideration of the Board's decision within **thirty (30) days** of the date of the written decision. The request must state the specific basis for reconsideration and include any additional information the Owner wishes the Board to consider.

Upon receipt of a timely appeal request, the Board may, at its discretion:

- Affirm its prior decision;
- Modify the enforcement action; or
- Reverse the decision in whole or in part.
- The Board's decision following reconsideration shall be final unless otherwise required by law.

No Waiver

Failure by the Association to enforce any provision of the Declaration or these rules shall not be deemed a waiver of the right to enforce the same or any other provision in the future.

ATTEST:

5/1/26

(Date)



President of the Association