

**DEED RESTRICTION VIOLATIONS and COLLECTION of POA FINES POLICY**

for

**HIDE-A-WAY ON THE GULF PROPERTY OWNERS ASSOCIATION,  
INCORPORATED**

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THE STATE OF TEXAS

COUNTY OF BRAZORIA

I, Lynda Hudgins, President of Hide-A-Way on the Gulf Property Owners Association, Incorporated (the "Association"), do hereby certify that at the meeting of the Board of Directors of the Association (the "Board") duly called and held on the 28<sup>th</sup> day of December, 2023, with at least a quorum of the board members being present and remaining throughout, and being duly authorized to transact business, the following Collection and Fines of overdue POA dues was duly approved by a majority vote of the members of the Board:

**RECITALS:**

1. Section 209 of the Texas Property Code was amended to add Section 209.006 granting property owners' associations the right to suspend privileges of a property owner not in compliance with all Property Owners Association Restrictions, Covenants, and Conditions, by-laws, and policies.
2. The Board of Directors of the Association desires to adopt a Collection of Assessments, Fees, and Fines Policy for unpaid POA dues, Fees, and unpaid fines, consistent with the law.
3. The Common Areas consist of the recreational area inside the fences, the pool, clubhouse, the area in and around the common mailboxes, the boat ramp, and smaller miscellaneous spaces. These recreational areas are for the use of property owners and their invited guests.
4. Fourth Amended Restrictions, Covenants and Conditions sec IV titled "The Associations and Assessments"

4.02 The power shall include the power to levy fines, which shall become part of the maintenance fee to which each lot is subject and secured by the lien and subject to all remedies for the enforcement thereof.

## **POLICY:**

### **1. Deed Restrictions**

- The Board will review alleged deed restriction violations to assure it meets the criteria of a restriction of the By-laws, The CCRS or state law. A simple majority vote of the board will allow the board to proceed with formally notifying the homeowner of the violation.
- Deed restriction violations are any violation of any of the POA's by laws, CCRS, state laws or written policies.

### **2. Collection of Fines and Fees:**

- Fine and/or fees for any deed restriction violations are due within 30 days from the notice date of the fine.

### **3. Returned Checks:**

- Return Check Charges: In addition to any and all charges imposed under the Association Bylaws or Policies, a fee equal to the amount charged to POA will be assessed against the owner in the event the check or other instrument payable for the benefit of such Owner is not honored by the bank or is returned for any reason whatsoever, including but not limited to insufficient funds.

### **4. Late fees:**

- Late fees for failure to cure the deed restriction violation shall be \$25.00 per day for each day past the "time to cure" given by the board.
- Late fees for overdue fines are \$50 per month for every month that the fines or late fees are not paid.

### **5. Collecting late Fees or Fines:**

- All costs associated with collecting delinquent fines, interest, POA Attorney's fees and late fees will be the responsibility of the delinquent property owner.

## PROCEDURE

1. Property owners with a deed restriction violation will be notified by the POA board by:
  - First, a verbal or email communication by a board member or a board assigned committee member.
  - Second communication by first class mail
  - Third communication by first class mail certified mail.
  - The notifications shall include (i) a description of the violation, (ii) the amount owed by the homeowner to the Association if violation carried a fine. (iii) the reasonable time allowed owner to cure the violation by association. Depending on the type of deed restriction violation, the Board, will give owner a reasonable time to cure. This time to cure will be at the sole discretion of the POA board.
  - (iv) The rights the owner has to a formal hearing with the board to discuss the facts of the case, per Sec. 209.007 of the Texas property code
  
2. The Property owner may request a hearing by the board by:
  - Sending a certified letter to 503 Anchor Dr Freeport, TX 77541
  - The board will set a hearing within 30 days of receiving notice and will notify the Owner of the Hearing time and place.
  
3. If the deed restriction violation is not resolved, either by curing the violation or entering a written plan to cure that is agreed to by the board in writing, within 30 days of the third then:
  - The property owner, including all family members and guests, will have the use of all Common Areas suspended. (Swimming Pool, Boat Ramp and Club House)
  - Suspended property owners who continue to use the Common Areas after suspension will be **prosecuted for trespassing.**
  - The property owner may be subjected to additional fines for non-compliance.
  
4. Property Association Owners with past due fines and/or fees will be notified by the POA Board. The notifications should include (i) a description of the violation, (ii) the amount owed by the homeowner to the Association. (iii) the reasonable time allowed owner to cover nonpayment by association, (iv) The rights the owner has to a formal hearing with the board to discuss the facts of the case, per Sec. 209.007 of the Texas property code.
  - First notification by letter by first class mail.
  - Second notification by first class letter and certified mail 30 days after 1<sup>st</sup> letter.

- Third notification by first class letter and register letter 30 days after 2<sup>nd</sup> letter.
5. If the balance, including late fees, accrued interest, costs of collections, and additional fines or fees, are not paid in full within 30 days or a payment plan established.
    - The property owner, including all family members and guests, will have the use of all Common Areas suspended. (Swimming Pool, Boat Ramp and Club House)
    - Property owners who default on the payment plan agreement will have the use of all Common Areas suspended.
    - Suspended property owners who continue to use the Common Areas after suspension will be **prosecuted for trespassing.**
  6. The Board may take property owners delinquent in payment to court for judgment 30 days after the third letter is sent.
    - The POA has the right by law for judgment for monetary payment.
    - The POA also has the right to put a lien on the property for all assessments owed.
  7. Hearing before the Board:
    - The board must have a written request by certified mail for any requested hearing on any assessments dispute. Mail to 503 Anchor Dr. Freeport, TX 77541
  8. Paying off delinquent fines or fees:
    - The minimum time the board can ask for full payment of assessments is three months.
    - The POA may not allow a payment plan for any amount that extends more than 18 months from the date of the owner's request for a payment plan.
  9. Priority of payments.
    - Fines and late fees first
    - Attorney's fees paid second
    - Delinquent assessments paid third
    - Current assessments paid last

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Common Areas Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official public Records of Real Property of Brazoria County, Texas.

TO CERTIFY which witness my hand this the 28<sup>th</sup> day of December, 2023.

**HIDE-A-WAY ON THE GULF PROPERTY OWNERS ASSOCIATION, INCORPORATED**

Lynda Beth Hudgins  
Signature of President

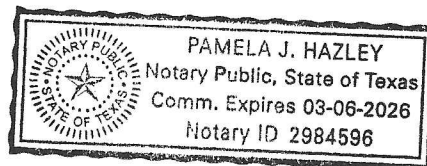
Print Name: Lynda Beth Hudgins

THE STATE OF TEXAS

COUNTY OF BRAZORIA

BEFORE ME, the undersigned notary public, on the 28<sup>th</sup> day of December, 2023 personally appeared Lynda Beth Hudgins, President of Hide-A-Way on the Gulf Property Owners Association, Incorporated, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

Pamela J. Hazley  
Notary Public in and for the State of Texas



# FILED and RECORDED

Instrument Number: 2023057552

Filing and Recording Date: 12/29/2023 12:19:03 PM Pages: 6 Recording Fee: \$42.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Brazoria County, Texas.



A handwritten signature in black ink that reads "Joyce Hudman".

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Joyce Hudman, County Clerk  
Brazoria County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

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cclerk-lissete