

2. **Initial Notice.** The Association shall send one (1) or more notices (Initial Notice) by regular mail advising the owner of the violation and requesting that the violation be cured. However, if the Association decides that the violation requires expedited handling, the Association is entitled to dispense with sending the owner any Initial Notice. All notices described in these this Fining Policy shall be sent to the owner at the owner's last known address, as shown on the records of the Association. Owners are responsible for informing the Association of their current address for notices.

3. **Certified Notice.**

- a. If the violation is not cured pursuant to the Initial Notice (or if the Association has decided not to send any Initial Notice), the Association shall send a notice (the Certified Notice) to the owner by certified mail, return receipt requested, describing the violation and if the violation is of a curable nature (*See* examples of uncurable and curable violations set forth in Sections 209.006[h] and [i] of the Texas Property Code), demanding that the violation be cured.
- b. The Certified Notice will inform the owner that the owner has a period of thirty (30) days from receipt of such notice to request a hearing before the Board regarding the violation.
- c. For violations of a curative nature (*See* examples of uncurable and curable violations set forth in Sections 209.006[h] and [i] of the Texas Property Code) and which do not pose a threat to public health or safety as reasonably determined by the Board, the Certified Notice will: (i) allow the owner a reasonable period to cure the violation and avoid the Association levying a fine and/or pursuing legal action; and (ii) will inform the owner that if the violation is not cured and the owner does not request a hearing within thirty (30) days from receipt of such notice, the Association intends to levy a fine against the owner in an amount as provided for in this Fining Policy (and state such fine amount) and that the Association intends to examine pursuit of its other remedies.
- d. The Certified Notice will inform the owner that the owner may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501, *et. seq.*), if the owner is serving on active military duty.

Notwithstanding the foregoing, if the Association has given the owner notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, or if the Association files a suit seeking expedited relief in the form of a temporary restraining order or a temporary injunction, the Association shall not be required to send the owner a Certified Notice.

4. **Hearing.** If the owner makes a timely written request for a hearing, a notice shall be sent to the owner informing the owner as to the date, time, and place for the hearing before the

Board. Upon written confirmation of the owner's attendance at the hearing, the Association shall provide the owner with an evidence package within ten (10) days of the hearing, in accordance with Section 209.007 of the Texas Property Code. In the event the evidence package cannot be provided within that time, the owner is allowed up to a 15 day postponement of the hearing. The hearing will be conducted in accordance with such rules and procedures as may be deemed appropriate by the Board, including the Board presenting its case first and then allowing an opportunity for the owner to present his/her case. The hearing shall take place even if the owner does not attend the hearing.

5. **Remedies.** If the owner does not make a written request for a hearing before the Board within the above-described thirty (30) day timeframe (and if the violation has not been cured if the violation is of a curative nature as described in Section 209.006[i] of the Texas Property Code), the Association may thereafter pursue its remedies. If a hearing is conducted pursuant to a proper request, the Association may pursue its remedies regarding an uncured violation after the conclusion of the hearing, unless the Association has made an agreement to the contrary. Such remedies include levying a fine and/or turning the matter over to an attorney for legal action. Even if the Association levies a fine against the owner, the Association reserves the right to turn the matter over to an attorney for legal action. If this becomes necessary, it is contemplated that the Association will instruct the attorney to pursue the Association's legal remedies, including filing suit.

6. **Fines and Costs.** The amount of the fine to be levied by the Association, for **Deed Restriction** violation, whether curable or uncurable, is as follows:

- | | | |
|-------|-----------------------|------|
| (i) | Courtesy email/letter | |
| (ii) | First Letter | \$25 |
| (iii) | Second letter | \$50 |
| (iv) | Third Letter | \$75 |

Uncurable violations typically occur at a specific point in time (*i.e.*, a noise violation that is not ongoing). A curable violation is a violation that typically occurs over a period of time (*i.e.*, a maintenance violation). The Association also reserves the right to increase the amount of the fine for a given violation, if deemed appropriate by the Board due to the severity, seriousness, extent, repeated or wrongful nature of the applicable violation. In addition to the fine, the Association may recover reasonable costs incurred by the Association pursuant to Section 204.010(a)(11) of the Texas Property Code.

7. **Categories of Violations.** The categories of violations subject to fines under this Fining Policy shall be fined uniformly in accordance with the Board's Rules and Regulations. These categories include but are not limited to:

- **Architecture Review** (e.g., building without approval, ARC violations, non-compliance)
 - **Main Residence Structure** (e.g., main home structure, front door, garage doors, siding, unrepaired damage, mildew)
 - **External Structures & Improvements** (e.g., pools, fencing, signage, generator, HVAC, Temporary Structures)
 - **Landscaping & Trash** (e.g., unkept grass, lack of mulch, dead trees, misc. trash/debris, water drainage, trash cans)
 - **Nuisance** (e.g. trash, odors, quiet enjoyment, lighting)
 - **Pets & Other Animals** (e.g., too many pets, farm animals present)
 - **Use of Lots** (e.g., single-family residential purpose, short-term rentals, unapproved garage sales)
 - **Vehicles** (e.g., broken-down vehicle, work trucks, RVs, and boats)
8. **Charges to Owner's Account.** Any fines, attorneys' fees, and cost incurred by the Association as a result of a violation will be charged to an owner's account. Fines levied shall constitute a lien against the offending owner's property.
9. **Miscellaneous.** The Association will not send any notice to the owner in a situation in which the Association seeks expedited relief in the form of a temporary restraining order or a temporary injunction. In such situations, the Association reserves its right to file suit and seek such relief from the court without any prior notice to the owner and/or occupant

EXECUTED on the date of the acknowledgment set forth herein below, to be effective upon recordation in the Official Public Records of Polk County, Texas.

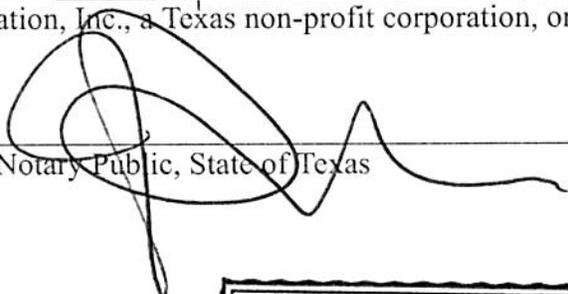
HOMEOWNERS ASSOCIATION, a Texas non-profit corporation

By: 
 President

THE STATE OF TEXAS
COUNTY OF Polk

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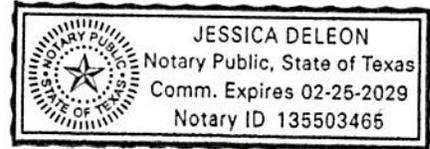
This instrument was acknowledged before me on July 3, 2025, by _____,
President of Rolling Pine Property Owner's Association, Inc., a Texas non-profit corporation, on behalf
of said entity.



Notary Public, State of Texas

WHEN RECORDED, RETURN TO:

✓ Ashleigh Musselman
Law Office of Ashleigh Musselman, PLLC
322 Spring Hill Drive, Suite A500
Spring, Texas 77386



FILED FOR RECORD
2025-07-15 10:26

Schelana Hock
SCHELANA HOCK
POLK COUNTY CLERK



STATE OF TEXAS • COUNTY OF POLK
I, SCHELANA HOCK hereby certify that the instrument was FILED
in the file number sequence on the date and at the same time stamped
heron by me and was duly RECORDED in the Official Public Records
in Volume and Page of the named RECORDS OF Polk County, Texas
as stamped heron by me.

Schelana Hock Jul 15, 2025
COUNTY CLERK
POLK COUNTY, TEXAS *am*