

**Enforcement Policy
Escalation Procedure and Schedule of Fines
Amended and Restated Declaration of Covenants, Conditions and Restrictions –
RiverTree Subdivision**

Below is the Enforcement Policy- Escalation Procedure and Schedule of Fines for The Estates of RiverTree Owner's Association, Inc. (RTOA), Real County, Leakey, Texas, adopted by the Board of Directors (BOD) pursuant to its rulemaking authority set forth in Article VI, Section 3 of the Declaration of Covenants, Conditions and Restricts (CC&R) of RiverTree Subdivision. The primary objective for the BOD is compliance with the By-Laws and CC&R of RiverTree Subdivision and all Amendments.

Owner's responsibilities - For the purposes of this and other notices from the RTOA BOD, if the homeowner does not reside at the subject property, it shall be the homeowner's responsibility to provide in writing and/or via e-mail, to the Treasurer of the BOD, a proper mailing address. Courtesy initial notices shall be sent by first class mail or equivalent mail service. All formal notices sent by the RTOA shall be required to be sent certified or registered mail.

Note: As an owner in The Estates of RiverTree, it is understood that all owners have a responsibility to adhere to and enforce the By-Laws and Declaration of CC&R – RiverTree Subdivision and all Amendments. Anyone who witnesses a violation is encouraged to have a neighbor to neighbor discussion with the party or parties involved to try to resolve the matter immediately and in a courteous manner. The BOD is not singularly responsible for identifying and bringing about remedy for each and every rules violation on a daily basis.

ESCALATION PROCEDURE:

Written complaint required- Violations may be reported to a member of the BOD verbally, especially in the event of injury or life threatening situations. HOWEVER, all violations must be documented, in writing, using the "RiverTree Rules Violation Complaint" form included with this policy and available on the RTOA website, or via e-mail from a member of the BOD. Any and all owners who report a violation under this procedure must complete the above referenced complaint form, including owner signature, and submit the completed form to a member of the BOD for further action. Written violation complaint forms must be completed by the filing owner and submitted to the BOD within three (3) days of the violation occurrence, or knowledge thereof, to be considered for further action.

Step 1: Written courtesy notice -The Board of Directors (BOD), at its discretion while taking into account the circumstances of each violation, shall attempt to obtain compliance with the Covenants, Conditions and Restrictions of the Association informally through one written courtesy notice, requesting a 30 day cure of violation.

Step 2: Demand Letter (in compliance with Tex. Prop. Code Section 209.006) -

Step 3: Hearing before the Board (if timely requested following the Demand Letter)

Step 4: Mediation pursuant to Article VII of the CC&R.

Step 5: Lawsuit- seeking damages and/or injunctive relief plus recovery of attorney's fees and costs of the lawsuit

FINES PROCEDURE:

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Step 2: Formal written notice of assessment of fine -If the BOD is unable to informally resolve the matter within thirty (30) days of the written courtesy notice, or if the circumstances warrant sooner, the BOD shall send a formal written notice in compliance with Texas. Property Code Section 209.006 detailing the violation of the restrictions and the amount due the RTOA. Such notice shall inform the owner that the owner

- (A) is entitled to a reasonable period to cure the violation and avoid the fine or suspension unless the owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six months;
- (B) may request a hearing under Section 209.007 of the Texas Property Code on or before the 30th day after the date the owner receives the notice; and
- (C) 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.

The notice described in this section shall inform the owner that the BOD may impose a continuing monetary penalty, assessed on a weekly basis, without additional notice, until the infraction or violation has been remedied.

Step 3: Hearing Before the Board of Directors (if timely requested)

- (A) If the owner is entitled to an opportunity to cure the violation, the owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before a committee appointed by the BOD or before the BOD if the BOD does not appoint a committee.
- (B) If a hearing is to be held before a committee, the notice prescribed by Section 209.006 of the Texas Property Code must state that the owner has the right to appeal the committee's decision to the BOD by written notice to the BOD.

The Estates of RiverTree Owner's Association, Inc.
Post Office Box 648
Leakey, Texas 78873-0648

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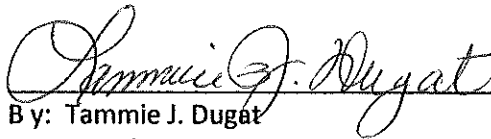
- (C) The association shall hold a hearing under this section not later than the 30th day after the date the BOD receives the owner's request for a hearing and shall notify the owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The BOD or the owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The owner or the association may make an audio recording of the meeting.
- (D) The notice and hearing provisions do not apply if the association files a suit seeking a temporary restraining order or temporary injunctive relief or files a suit that includes foreclosure as a cause of action. If a suit is filed relating to a matter to which those sections apply, a party to the suit may file a motion to compel mediation. The notice and hearing provisions do not apply to a temporary suspension of a person's right to use common areas if the temporary suspension is the result of a violation that occurred in a common area and involved a significant and immediate risk of harm to others in the subdivision. The temporary suspension is effective until the board makes a final determination on the suspension action after following the procedures prescribed by this section.
- (E) An owner or the RTOA may use alternative dispute resolution services.

Step 4: Mediation pursuant to Article VII of the CC&R.

Step 5: Lawsuit- seeking damages and/or recovery of finds and/or injunctive relief plus recovery of attorney's fees and costs of the lawsuit.

EXECUTED effective as of the 17th day of December, 2014

THE ESTATES OF RIVERTREE OWNER'S ASSOCIATION INC.

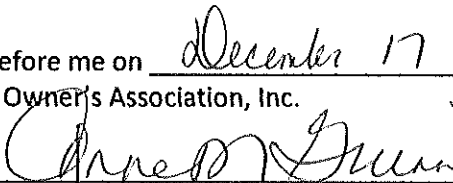

By: Tammie J. Dugat
Its: President

STATE OF TEXAS)

COUNTY OF REAL)

This instrument was acknowledged before me on December 17, 2014, by Tammie J. Dugat, President of The Estates of RiverTree Owner's Association, Inc.





Notary Public, State of Texas

My commission expires: 1-25-2016

The Estates of RiverTree Owner's Association, Inc.

Post Office Box 648

Leakey, Texas 78873-0648

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SCHEDULE OF FINES:

The Board shall assess monetary fines for each occurrence, and reference **ARTICLE II--USE RESTRICTIONS, OTHER ARTICLES, BY-LAWS** and all **AMENDMENTS**, where applicable, according to the following schedule:

| VIOLATION | FINE | MAX FINE AMOUNT | ART. II SECTION |
|---|------------------------|------------------------|------------------------|
| <u>ATV/ORV</u> | 100.00 each occurrence | 1,000.00 | ORV Rules |
| -Operation of non-electric unit on Trails, Common Areas, other than private streets | | | 28. C. |
| <u>Traffic violations</u> | 100.00 each occurrence | 1,000.00 | Art. VI, Sec. 3 (h) |

The Estates of RiverTree Owner's Association, Inc.

Post Office Box 648
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RiverTree Rules Violation Complaint

Please print unless otherwise stated. Complete form and turn in to a member of the BOD.

Date of violation: _____

Name of Owner in violation: _____

RiverTreeBlock# _____ Lot # _____; 911 Address _____

Nature of violation: _____

Vehicles involved in violation: YES NO License no. _____

Description of vehicle: Motorhome/RV ATV/ORV Auto/truck Motorcycle

Make _____ Model _____ Color _____ RT Reg. # _____

Eye witnesses to violation: Name _____ Ph.# _____

Name _____ Ph.# _____ Name _____ Ph.# _____

Name and contact information of Owner lodging complaint:

Printed Name

Signature(not valid without signature)

Contact numbers:cell: _____ home: _____

Date Complaint form signed: _____

Date Complaint form received by BOD: _____ by _____

