



Goldenwood West  
Property Owners' Association  
16200 Westview Trail  
Austin, TX 78737-9068  
(512) 858-9528

## VIOLATION PROCEDURE

The following outlines the minimum notice and hearing procedures for violations of the Bylaws and/or the Covenants, Conditions and Restrictions of the Goldenwood West Property Owners' Association. These notices and hearing procedures are intended to meet the requisites of Texas Property Code Chapter 209 and provide additional notices to our Owners. It does not supersede any of the Bylaws, or Covenants, Conditions and Restrictions of Goldenwood West. Notwithstanding any language to the contrary, the Board of Trustees shall have the power, upon majority vote of the Board of Trustees, to amend any provision of these rules or bylaws as may be necessary to comply with Chapter 209 and any subsequent amendments. It shall be the responsibility of the Architectural and Protective Committee (APC) to implement this procedure.

**Section 1. Notice Requisites.** The APC will send out the first notice of a violation and request correction and offer to meet with the owner to clear up the matter within 30 days. A second notice will be sent certified mail, return receipt requested, to the last known address of the Lot Owner in The Board of Trustees' records. The notices must (1) describe the covenant violation that is the basis for the suspension action, (2) inform the Owner that the Owner is entitled to a reasonable period to cure the violation and avoid the cost of Attorney's Fees or suspension, unless the Owner was given notice and reasonable opportunity to cure similar violation within the preceding six months; and (3) inform the Owner that he may request a hearing before the Board of Trustees on or before the 30<sup>th</sup> day after the date the Owner received the notice (or 30 days after the date on which the first attempted deliver was made to the Owner).

If the hearing is to be held before a committee, the notice must state that the Owner has the right to appeal the committee's decision to the Board of Trustees by written notice to the Board. The Board of Trustees will hold any hearing not later than the 30th day of the date the Board receives the Owner's request for a hearing and will notify the Owner of the date, time, and place of the hearing at least ten days before the hearing date.

**Section 2. Attorney's Fees.** The Board of Trustees may assess reasonable attorney's fees to an Owner's account for nonpayment of amounts due and other violations of the Bylaws, or Covenants, Conditions and Restrictions only if the Lot Owner is provided written notice that attorney's fees and cost will be charged to the Owner if the delinquency or violation continues after a date certain. Regardless, attorney's fees may not be charged to an Owner's account until after any Owner-requested hearing allowed pursuant to the procedures is held, or, if the Owner does not request a hearing, before the date by which the Owner must request a hearing. For repeat violations within six months, attorney's fees may be assessed to an account after the first hearing request deadline has passed or after the first hearing, as appropriate.

**Section 3. APC.** The APC shall visit the Owner's property only when invited to do so by the Owner. All Owner violations are to be handled in a consistent manner as defined by this procedure. Any exception to this procedure will require approval of the Board of Trustees.

The failure of The Board of Trustees to enforce any provisions of the Declaration, Bylaws, rules or procedures shall not constitute a waiver of the right to enforce the same thereafter. All remedies in the Declaration, Bylaws, and rules are cumulative and not exclusive.

This policy was adopted by the Board of Trustees at its regularly scheduled meeting on April 2, 2003 and readopted by the Board of Trustees at its regularly scheduled meeting on May 27, 2012.



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Paul W. Laird, President  
Goldenwood West Property Owners' Association



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Mark Ruthenbeck, Secretary  
Goldenwood West Property Owners' Association