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# **Creekwood Ranches Property Owners Association, Inc.**

## **FINES AND ENFORCEMENT POLICY**

### **GUIDELINES FOR REMEDYING MEMBER VIOLATIONS OF THE DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS & RESTRICTIONS ("THE DECLARATION") BYLAWS AND RULES AND REGULATIONS ("GOVERNING DOCUMENTS")**

The guiding principles of the Creekwood Ranches Property Owners Association, Inc. (CRPOA) are to foster a pleasing and wholesome residential environment, and strive to maintain and enhance property values within our community.

Please note that the following guidelines and fines shall be effective as to all Property Owners. All costs associated with enforcing the following violations will be billed to the property owner's account including, but not limited to postage, envelopes, paper, legal fees, etc.

The payment of a fine(s) does not grant a variance for a violation, nor does it enable a homeowner to allow the violation to remain unabated. All violations must be corrected in a manner satisfactory to the Association. If fine(s) are not paid in the time period set forth, the fine shall be automatically converted to an assessment.

#### **POLICY**

##### **1. Authority of the Association's Board of Directors.**

The Declaration, Bylaws and Rules and Regulations of Creekwood Ranches (the "Governing Documents") authorize the Board of Directors of the Creekwood Ranches Property Owners Association (the "Board") to establish policies, rules, and procedures for enforcement of the requirements and prohibitions of the Governing Documents in order to encourage and, when necessary, compel compliance by Members of the Association. This policy and procedure are intended to serve as a summary of the provisions found in the Governing Documents and shall not be construed to expand, alter or supersede any of those provisions.

##### **2. Owner's Responsibility.**

Property Owners within the subdivision are mandatory Members of the Association, and are responsible for complying, and ensuring compliance by their tenants, invitees, and guests with the Governing Documents. In the event of non-compliance by tenants, invitees, or guests who are not Members of the Association, the Association will notify the Member, who will be responsible for corrective action and for any fines or assessments imposed for non-compliance.

##### **3. Schedule of Violation Categories of Creekwood Ranches POA**

Pursuant to the authority contained in the Declarations, Bylaws, Rules and Regulations (Governing Documents), the Board has adopted the "Schedule of Violation Categories of Creekwood Ranches POA".

Violation Categories
CC&R's/Bylaws
Architectural Review (ARC)
Other Rules and Regulations of Creekwood Ranches Subdivision

**4. Abatement; Schedule of Notices and Fines.**

The Association will encourage Members to cure or abate violations of the Governing Documents voluntarily before assessing a fine or penalty. A courtesy notice begins the compliance process. If no courtesy notice or cure notice has been issued to the Owner for the same or a substantially similar violation during the preceding six months ("first violation"), a courtesy notice of the violation will be sent, via regular mail, to the Member, but no fine or penalty will be assessed, nor will be assessed if the property owner timely brings the Property into compliance. If a courtesy or cure notice was sent during the preceding six months, on the other hand, a second courtesy notice will not be sent. Instead, a fine in the amount specified below will be assessed and notice thereof will be given in a cure notice issued to the Member.

Under certain circumstances the cure may necessarily need to be less than 30 days, such as when a condition such as but not limited to a fire hazard creates a safety or welfare risk to the community. Barring such exigent circumstances, at least 30 days' notice will be provided to an owner to cure or abate any violations under the Governing Documents. If a violation remains uncorrected for more than 30 days after the courtesy notice, a fine in the amount specified below will be assessed and notice, sent Certified Return Receipt mail, thereof will be given to the Member in a cure notice requesting correction of the violation within 30 days. If the violation remains uncorrected after 30 additional days (a "continuing violation"), additional fines will be assessed automatically, and notice thereof will be given in cure notices sent every 30 days. At the Boards discretion, after numerous cure notices a lien may be filed on the property, with daily fines continuing.

Notification	Time to Comply	CC&R's, Bylaws, ARC and All Other Rules and Regulations Violations
Courtesy Notice	30 Days	No Fine
1st Cure Notice	30 Days	\$ 50 to \$100 Fine
2nd Cure Notice	30 Days	\$100 to \$300 Fine (automatic) + POA Intervention Expenses
3rd Cure Notice	30 Days	\$150 to \$400 Fine (automatic) + POA Intervention Expenses
Subsequent Cure Notices	30 Days	Daily fines up to \$20 (automatic) + POA Intervention Expense
Continuing violation		File a lien on the property/legal action

At the hearing of a Member's appeal of a fine for the construction or alteration of a new or previously submitted plans, fencing, a swimming pool, or any structure on the Property because of location, exterior surfaces or any other condition violating the

existing CC&R's, bylaws and or rules or requirements, may in its sole discretion adjourn the hearing for up to 30 days, to allow the parties to consult with the Architectural Review Committee ("ARC"). In that event, the schedule of fines will be suspended for the period of adjournment. When the hearing is resumed, the Board may determine the amount of the fine, if any, to be assessed.

During the first 30 days (Courtesy Notice), if the homeowners is unable to correct the violation within the first 30 days, he/she may submit a plan for correction to the Board of Directors for consideration and must be submitted in writing or by email to the Board.

The procedure set forth above shall in no way preclude the Board from pursuing any other remedies available under the CRPOA Governing Documents or under applicable law with regard to the enforcement of the CRPOA Governing Documents.

If the Board determines a violation is a hazard to the health, safety and enjoyment of neighborhood residents or in violation of the law, legal action may be initiated without prior notice, and an immediate fine up to \$500 may be imposed without prior notice.

**5. Member's Right to Appeal.**

There is a separate appeal right to the Board of a member denied proposed improvements by the Association's ARC. But in the context of a member's right to appeal or challenge a fine or penalty, a member may request a hearing before the Board in two circumstances.

- (a) A Member may appeal an initial fine assessed against him/her for a violation of the Governing Documents if, within 30 days after receiving the first cure notice, the Member submits to the Board a written request for a hearing before the Board. Failure by the Member to make a timely appeal or to appear at the requested hearing will constitute a waiver of the right to appeal the fine and any additional fines as may subsequently be assessed for failure to cure the same violation. The fine will be due and payable within 30 days after receipt of the initial notice of same, but the payment period will be suspended during the pendency of a request for hearing, and will resume after the hearing unless the fine is revoked.
- (b) If the Board is inclined to remedy a continuing violation by exercising the Association's right to enter a Property to cure or abate the violation through self-help (also called "POA intervention" herein) and to charge the expense thereof to the Member (a "Reimbursement Assessment"), it will give written notice of the potential action to the Member, who may request a hearing before the Board, provided he/she does so within 30 days after receiving the notice. Failure by the Member to make a timely hearing request or to appear for a requested hearing will waive the Member's right to such a hearing, and the Board may decide in the absence of the Member whether to enter on the Property to cure or abate the violation through self-help.

**6. Conduct of the Hearing.**

Any hearing will be conducted by the Board if timely requested by owner(s). The case for affirming the fine or ordering entry on the Property to correct the violation, as applicable, will be presented by a person appointed by the Board, and the Member

or his/her representative may present the case for revoking the fine or foregoing entry, as applicable. Both presenters may present evidence and testimony, and examine and question any witness or evidence presented. The Board may also question witnesses. The Board will have exclusive authority to affirm, revoke, or modify fines and/or impose corrective measures.

**7. Judicial Enforcement.**

The imposition of one or more fines for a violation shall not be deemed a waiver of the Association's right to pursue additional remedies at law or in equity. In addition to the assessment of fines and the use of self-help abatement measures, the Board shall have the right, but not the obligation, to enforce restrictions and covenants of the Governing Documents by judicial process, including actions for the collection of unpaid fines and for writs of mandamus or injunctions. Upon prevailing in any such action, the Association will be entitled to recover its attorney's fees and costs of court. Failure to enforce any covenant or restriction shall not be deemed a waiver of the right to do so thereafter.

**PROCEDURE**

**1. Who may report an Owner's violation of the Governing Documents requirements:**

Any Member/Property Owner of the Association, the ARC, or a Board member.

**2. What the report should contain:**

A report by a Member or the ARC should be in writing, and may be made by hand-delivery, regular mail, or electronic mail (e-mail), but not by text message, addressed to the Board, as identified in the Creekwood Ranches website. The notice should--

- Identify the Property, i.e., street address of the alleged violation(s) and the Owner and occupant of the Property, if known;
- Describe the alleged violation(s) with sufficient detail to allow the reader to assess what condition(s) require(s) correction;
- Indicate the date(s) when the offending condition(s) was/were observed; and
- Include a photograph(s) of the offending condition(s) (preferred but not required).

**3. Review and action by the Board:**

The Board will review the report and assess whether the condition(s) constitute(s) one or more violations of the Governing Documents. The Board may request additional information from the author of the report and visit the Property as part of its review. If it finds that no violation has been shown, the Board may so advise the author of the report by email or other correspondence. If it finds that the condition(s) violate(s) one or more provisions of the Governing Documents, it will send notice of the violation to the Owner and request compliance.

- (a) If no courtesy notice or cure notice has been issued to the Owner for the same or a substantially similar violation in the preceding six months ("first violation"), the Board will send the Owner a courtesy notice of the violation by regular mail, requesting compliance within 30 days. If a courtesy or cure notice has been issued for the same or a substantially similar violation in the

preceding six months ("continuing violation"), however, the Board will send another cure notice (first, second, or subsequent, as applicable) by Certified Return Receipt mail, again requesting compliance within 30 days.

- (b) A cure notice will be labeled "second notice" or "third notice," etc. as applicable, based on the number of cure notices previously issued for the same or a substantially similar violation in the six months preceding the current cure notice.

#### **4. Contents of Courtesy Notices and Cure Notices:**

(a) A courtesy notice will:

- State the date of issuance;
- Describe the alleged violation(s) with sufficient detail to allow the reader to assess what condition(s) require(s) correction;
- If reasonably available, include photograph(s), if any, of the offending condition(s), preferred but not required;
- Identify the provision(s) of the Governing Documents being violated; and
- Inform the Owner that failure to cure the violation(s) within 30 days of the notice may result in the imposition of a fine.

(b) The cure notice for a first violation will contain the same information as a courtesy notice, but will also state:

- The amount of the fine being assessed (see Schedule at Section 4 of the Policy above);
- The Owner's obligation to pay the fine within 30 days after the date of the notice;
- The Owner's right to request, within 30 days after the date of the cure notice, to appeal the fine by requesting a hearing before the Board, by giving written notice to the Board by hand-delivery, regular mail, or electronic mail (e-mail); and
- That if the Owner timely requests a hearing, the 30-day period for payment of the fine will be suspended during the pendency of the request for hearing, but will resume at the conclusion of the hearing unless the Board revokes the fine.

(c) The cure notice for a continuing violation (second or subsequent cure notice) will not give the Owner the option to appeal the fine by requesting a hearing.

#### **5. Board's Action on Request for Hearing:**

Upon receiving an Owner's request for a hearing on the fine assessed for a first cure notice, the Board will promptly--

- Inform members of the Board of the request;
- Furnish each member of the Board a copy of the hearing request, and all pertinent notices, correspondence and evidence related to the violation within the six months preceding the most recent first cure notice.

#### **6. Board's Response to Request for Hearing:**

Upon receiving notice of the request for hearing, the Board will--

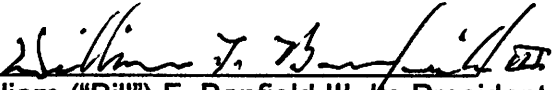
- Place the hearing on the agenda for consideration and action at an open Board meeting for which timely notice has been given to all Members;
- Not later than 10 days before the hearing, provide a packet to the Owner by personal delivery, regular mail, or electronic mail (e-mail) to the last address for the Owner shown on the Association's records. The packet will specify the date, time, and place of the hearing, and will contain all documents, photographs, and communications relating to the matter which the Association may introduce at the hearing. Failure to provide the Owner with the packet by the deadline will entitle the Owner to a 15-day postponement of the hearing;
- Begin the hearing by inviting a person appointed by the Board to present the case for the imposition of the fine and/or the Board proposal to abate the violation by entry upon the Property, then invite the Owner or his/her designated representative to present the Owner's case in opposition to the fine and/or proposal;
- Allow the Owner and the Board to ask questions of the presenters and other witnesses, if any; and
- At the conclusion of the hearing the board will adjourn. The Board, at its discretion, during an executive session, discuss and decide by majority vote whether to affirm, reduce, or revoke the fine and/or order entry upon the Property to abate the violation.

**7. Notice of Board's Decision, Payment of Fine:**

The Board will give written notice of the Board's decision to the Member by hand delivery, regular mail, or electronic mail within 30 days after the hearing. If the Board has affirmed all or part of the fine, payment must be made by the date specified in Section 4 of this Procedure. A fine that remains unpaid after the due date will bear interest at the maximum rate permitted by law or, if there is no maximum rate, then at the rate of 1 and 1/2 % per month. The unpaid fine, plus interest, will be considered an Assessment secured by a lien on the Property granted to the Association by the Governing Documents.

IN WITNESS WHEREOF, as President of Creekwood Property Owners Association. Inc., I hereby acknowledge that the members of the Board of Directors (of Creekwood Property Owners Association. Inc., specifically William "Bill" F. Banfield III, Barbara Senulis, John Ousset, Karla Gilbert, Marilyn Salazar, Harry Salinas and Terry Peel, at a duly called meeting of the Board with notice to the membership, voted in favor of passing the foregoing Fines and Enforcement Policy on the 23 day of February 2026.

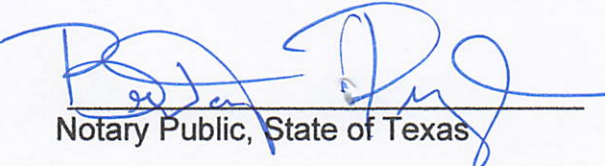
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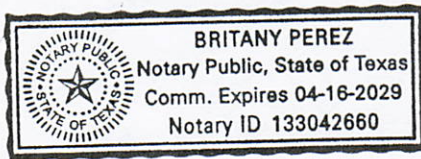
By   
William ("Bill") F. Banfield III, Its President

State of Texas  
County of Comal

Before me, the undersigned authority, on this day personally appeared William "Bill" Banfield III, known to me to be the person whose name is subscribed to the foregoing document, and being by me duly sworn, declared that he is the President of Creekwood Property Owners Association. Inc and that the statements in the preceding paragraph regarding the Board adopting the Fines and Enforcement Policy is true and correct, and that said Policy passed by the Board of Directors on the date and in the manner as set forth above.

Given under my hand and seal of office on this 13 day of March 2026.

  
Notary Public, State of Texas



Filed and Recorded  
Official Public Records  
Bobbie Koepf, County Clerk  
Comal County, Texas  
03/16/2026 02:47:50 PM  
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*Bobbie Koepf*