

STATE OF TEXAS §

COUNTY OF WILLIAMSON §

**AMENDMENT OF RULES AND REGULATIONS  
OF  
LEGENDS VILLAGE HOMEOWNERS ASSOCIATION, INC.**

*Regarding Enforcement*

**Document references.** Reference is hereby made to that certain Legends Village Master Declaration of Covenants, Conditions and Restrictions, filed as Document No. 2006082534 in the Official Public Records of Williamson County (together with any amendments and supplements thereto, the “**Declaration**”).

Reference is further made to those previously adopted Rules and Regulations filed as Document No. 2011086746 (“General Rules”) and the various documents entitled Amendment to Rules and Regulations filed as Document Nos. 2012106060, 2014072291, 2017109251, 2019006867, 2019028293, 2020068073, and 2020018186, all in the Official Records of Williamson County, Texas (together with any amendments and supplements thereto, the “**Rules**”).

The Declaration provides that persons owning Lots subject to the Declaration are automatically made members of Legends Village Homeowners Association, Inc., a Texas nonprofit corporation (the “**Association**”);

The Association, acting through its board of directors (the “**Board**”), is authorized to adopt and amend rules and regulations governing the affairs of the Association pursuant to Section 5.4(A) of the Declaration and Bylaws Section 4.17(a), and has previously adopted the Rules; and

The Board has voted to rescind the “Non-Monetary Violation” portion of the Rule recorded in document 2019006867 and replace it with the Enforcement Policy attached as Exhibit “A”.

Therefore, the Enforcement Policy attached as Exhibit “A” has been, and by these presents is, ADOPTED and APPROVED and shall henceforth be part of the Rules.

Subject solely to the amendment contained in Exhibit “A”, all of the Rules of the Association remain in full force and effect.

**LEGENDS VILLAGE HOMEOWNERS ASSOCIATION, INC.**

**A Texas nonprofit corporation**

Acting by and through its Board of Directors

Filed of Record in accordance with Texas Property Code Chapter 202 by

Niemann & Heyer, LLP, attorneys and authorized agents

Signature: Patrice Arnold  
Patrice Arnold

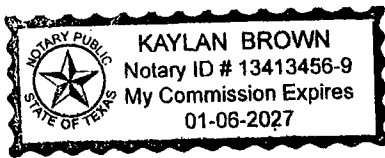
Exhibit “A”: Enforcement Policy

Acknowledgement

STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 3<sup>rd</sup> day of April, 2024, by Patrice Arnold, in the capacity stated above.



Kaylan Brown  
Notary Public, State of Texas

After recording, please return to:

Niemann & Heyer, L.L.P.  
Attorneys At Law  
Westgate Building, Suite 313  
1122 Colorado Street  
Austin, Texas 78701

EXHIBIT "A"**ENFORCEMENT POLICY****Summary of Enforcement Policy**

1. Send Courtesy Warning Letter (optional)
2. Send 209 Violation Notice (In accordance with Texas Property Code Ch. 209)
3. Levy fines and/or damage assessments as appropriate
4. Subsequent Violation Notices (optional)

*The Board may vary from this policy on a case-by-case basis so long as the enforcement process meets state law requirements. Variances may include sending no Courtesy Warning Letter, sending more than one, and/or setting fines at levels other than as indicated on the Standard Fine Schedule.*

1. **Violation Notices.**

i. Courtesy Warning Letter (optional). At the sole option of the Board or management professional, the Association may send a Courtesy Warning Letter via email or mail.

ii. 209 Violation Notice. If a violation is not cured in response to any Courtesy Warning Letter or if a Courtesy Warning Letter is not sent, the Board, in addition to all other available remedies, may:

A. Send a certified warning letter noting a possible fine and/or other remedy.

\*If the violation is curable, any fine will levy if the violation is not cured by a stated deadline.

\*If the violation is an incurable or health/safety violation, the fine will levy immediately.

\*Other remedies include suspending common area usage rights and assessing a damage assessment.

Any such action shall be initiated by sending a 209 Violation Notice to the owner in accordance with state law.

iii. Subsequent Violation Notices for continuing or repeat violations. If an owner has been sent a 209 Violation Notice for a particular violation and the same violation continues or a similar violation is committed within six months of the 209 Violation Notice, the Association may levy additional fines either with or without notice to the owner. If it desires to send notice of additional fines, the Association shall do so by means of a Subsequent Violation Notice. A Subsequent Violation Notice may be of any form and sent in any manner, as by law such notices are not required to comply with Section 209 of the Texas Property Code, including the requirements set forth in Section 1(ii) above.

2. **209 Violation Notices – Curable vs. Incurable Violations.**

i. Curable Violation. Curable violations are those that are ongoing or otherwise can be remedied by affirmative action. The following is a non-exhaustive list of curable violations: ongoing parking violations; maintenance violations; failing to construct improvements or

modifications in accordance with approved plans and specifications; and ongoing noise violations such as a barking dog.

ii. Uncurable Violation. Uncurable violations include those that are not of an ongoing nature, involve conditions that otherwise cannot be remedied by affirmative action, and those that pose a threat to public health or safety. The following is a non-exhaustive list of uncurable violations: shooting fireworks, committing a noise violation that is not ongoing, damaging common area property, and holding a prohibited gathering.

3. **209 Violation Notices -- When a fine or damage assessment may be levied; Board hearings.**

i. Curable Violations – Initial Fine. If an owner is sent a 209 Violation Notice for a curable violation and cures that violation by the deadline in such notice, any fine noted in the 209 Violation Notice shall not be levied. If the owner fails to cure the violation by the deadline, any fine noted in the 209 Violation Notice shall be levied after the time has lapsed for the owner to request a Board hearing, or, if a hearing is timely requested, after the date the hearing is held and a decision is made to uphold the fine.

ii. Uncurable Violations – Initial Fine/damage assessment. A fine or property damage assessment may be imposed in a 209 Violation Notice for an uncurable violation, regardless of whether the owner subsequently requests a Board hearing.

iii. Subsequent Fines. This Section 3 does not apply to fines levied after the initial fine. (See Section 1(iii) – Subsequent Violations, above.)

4. **Categories; Standard Fine Schedule.** Below is the Standard Fine Schedule for violations. *The Board may vary from this schedule on a case-by-case basis (i.e., set fines higher or lower than indicated below). Any mailing or transmittal fee for letters, emails, or other messages sent pursuant to this rule shall be levied in addition to the fine and considered part of the fine.*

i. Categories of restrictive covenants. The general categories of restrictive covenants for which the Association may levy fines are (the Association may levy fines for violations of the following restrictive covenants of the Association):

1. Declaration, and any amendments thereto;
2. Bylaws, and any amendments thereto;
3. Rules and policies, including design guidelines, and any amendments thereto; and
4. Articles of Incorporation or Certificate of Formation of the Association, and any amendments thereto.

ii. Curable Violations. For all categories of violations, if the violation is of a curable nature, the following general fine schedule applies.

In the absence of resolution by the board otherwise, fines for ongoing violations will be assessed on a daily basis:

- A. 209 Violation Notice: \$100.00 fine and/or suspension of common area usage rights if violation not cured by stated deadline
    - B. Subsequent Violation Notices: the fine may be increased in \$25 increments, or such other amount as set by the Board
  - iii. Uncurable Violations. For all categories of violations, if the violation is of an uncurable nature, the follow general fine schedule applies:
    - A. 209 Violation Notice: \$100.00 fine; and/or Property damage assessment.
    - B. Subsequent Violation Notices: the fine may be increased in \$25 increments or such other amount as set by the Board
- 5. **Hearings.** If an owner receives a 209 Violation Notice and requests a hearing in a timely manner<sup>1</sup>, that hearing shall be held. At the board's election, the hearing may be held either in person or by remote communication. The Board may impose rules of conduct for the hearing and limit the amount of time allotted to an owner to present his information to the Board. The Board may either make its decision at the hearing or take the matter under advisement and communicate its decision to the owner at a later date.
- 6. **Authority of agents.** The management company, Association attorney, and other authorized agents of the Association are granted authority to send violation notices, levy initial or subsequent fines according to the Standard Fine Schedule, and levy property damage assessments, and levy enforcement costs, all in accordance with this Enforcement Policy. Such parties may act without any explicit direction from the Board and without further vote or action of the Board. The enforcing party shall communicate with the Board and/or certain designated officers or agents on a routine basis with regard to enforcement actions. The foregoing notwithstanding, the Board reserves the right to make decisions about particular enforcement actions on a case-by-case basis at a properly noticed meeting if and when it deems appropriate.
- 7. **Future changes in state law.** This Deed Restriction Enforcement Policy is intended to reflect current state law requirements, including those established under Section 209 of the Texas Property Code. If such laws are changed in the future, this policy shall be deemed amended to reflect such changes.
- 8. **Owners as Responsible Party.** If the owner, a family member, guest, tenant or invitee of an owner damages Association property or commits a violation of the Association's governing documents, the related enforcement action shall be taken against the owner, with all related damage assessments, fines, legal fees, and other charges levied against that owner and the related lot. Owners are responsible for all enforcement costs, including attorneys' fees.

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<sup>1</sup> See below for §209.007 hearing provisions at the time this rule was filed of record.

9. **Unpaid amounts.** Unless otherwise determined by the board, accounts with delinquencies of more than 90 days will be referred to Association legal counsel for collection. Upon such referral legal counsel is authorized to take whatever action necessary to collect the amounts due including without limitation demand letters, lien filing, and foreclosure action, and in the event of bankruptcy, appropriate filings and motions and monitoring to protect the Association's interest.

Texas Property Code §209.007

Sec. 209.007. HEARING BEFORE BOARD; ALTERNATIVE DISPUTE RESOLUTION. (a) Except as provided by Subsection (d) and only 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 the board.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 22(2), eff. September 1, 2021.

(c) The association shall hold a hearing under this section not later than the 30th day after the date the board 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 board 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 of Section 209.006 and this section 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 of Section 209.006 and this section 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 property owners' association may use alternative dispute resolution services.

(f) Not later than 10 days before the association holds a hearing under this section, the association shall provide to an owner a packet containing all documents, photographs, and communications relating to the matter the association intends to introduce at the hearing.

(g) If an association does not provide a packet within the period described by Subsection (f), an owner is entitled to an automatic 15-day postponement of the hearing.

(h) During a hearing, a member of the board or the association's designated representative shall first present the association's case against the owner. An owner or the owner's designated representative is entitled to present the owner's information and issues relevant to the appeal or dispute.

**ELECTRONICALLY RECORDED  
OFFICIAL PUBLIC RECORDS**

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*Nancy E. Rister*

Nancy E. Rister, County Clerk  
Williamson County, Texas