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**FOURTH AMENDMENT TO THE RESOLUTION OF THE BOARD OF
DIRECTORS OF NBRC PROPERTY OWNERS ASSOCIATION
REGARDING FINES**

**STATE OF TEXAS §
 §
COUNTY OF COMAL §**

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, NBRC PROPERTY OWNERS ASSOCIATION (hereinafter the "Association") is a Texas non-profit corporation organized to govern the River Chase subdivision in Comal County, Texas, pursuant to the Declarations of Covenants, Conditions and Restrictions (hereinafter the "Declarations") for River Chase, various units, recorded as document number 9906010006, 9906027879, 9906031628, 200106021818, 200106021817, 200206017405, 200206017406, 200206039259, 200206039260, 200406019014, 200406019015, 200506016924, 200506020156, 200606019897, 200706001411, Official Public Records of Real Property of Comal County, Texas, and the Bylaws of the Association adopted by the Board of Directors (hereinafter the "Bylaws"); and,

WHEREAS, the management of the Association is vested in the Board of Directors of the Association (hereinafter the "Board"), pursuant to the Declarations and the Bylaws; and,

WHEREAS, the Declarations provide, in Article VIII, Section 8.10, and the Bylaws provide, in Article VIII, Section 8:1:1, the Board shall have the right to establish and amend reasonable rules and regulations for the health, comfort, and general welfare of the residents and may provide for penalties for infractions of such rules; and,

WHEREAS, Article VIII, Section 8.11 of the Declarations provide, in part, that the Board may enforce the provisions of any rules made and to enjoin and seek damages from any Owner for violation of such provisions of the Declarations and or the published Rules and Regulations; and,

WHEREAS, the Board of Directors of the Association has determined that it would be in the best interest of the Association to impose fines for violations of the Declarations and or the published Rules and Regulations that persists after proper notification and due time to cure; and,

THIS INSTRUMENT REPLACES:

1. The Third Amendment to the Resolution of the Board of Directors of NBRC Property Owners Association Regarding Fines, at Section two (Fine Policy Resolution) filed as clerk's document #201406036276 in the Public Record of Comal County, Texas on 010/14/2014.

NOW, THEREFORE, BE IT RESOLVED THAT the Association does hereby amend the following policy and procedures regarding Declarations, Rules and Regulations, and ACC Violations Fines.

**PROCEDUREs AND FINES FOR
VIOLATIONS OF THE DECLARATIONS,
RULES AND REGULATIONS.**

Article 1: Violations of Sections 3.14, 3.15, 3.16 and 3.17. All members of the Association shall be obligated to abide by the Declarations and the published Rules and Regulations. The Declarations in Article VIII, Section 8.10, grants authority to the NBRC PROPERTY OWNERS ASSOCIATION to impose fines upon members who violate any Declaration restriction and/or rule or regulation. Members who do not adhere to the Declarations and the published Rules and Regulations of Sections 3.14, 3.15, 3.16 and 3.17 are subject to the following escalating schedule of penalties, until such violation is cured. These violations are relatively curable in nature, such as removing a vehicle or curtailing an offensive action,

A. When provided a signed and notarized Affidavit of Fact, the Homeowners Resolution Committee /ACC Appeals Committee, hereinafter the "Resolution Committee" will investigate all alleged violations. If a violation is found to have occurred and the Resolution Committee is unable to resolve the issue with the property owner, the Resolution Committee shall make a recommendation to the Board of Directors, hereafter the "Board" for remedial action.

- The Resolution Committee shall provide written notice to the violating owner citing the violation(s), with the request to cure the violation within thirty (30) calendar days, except in situations calling for immediate action, with the opportunity to request a hearing with the Resolution Committee within thirty (30) of their receipt of that notice. (Courtesy Notice)
- After thirty (30) calendar days of the date of the first written notice, all members who do not adhere to the requirements will be given a written warning to cure the violation by a reasonable, specified deadline to cure, sent Certified Return Receipt and First Class Mail, with the opportunity to request a hearing with the Resolution Committee within fourteen (14) days of their receipt of that notice. The written warning will clarify that if the violation is not cured fine(s) will be assessed following the deadline to cure the violation. (Warning Letter).
- If after fourteen (14) calendar days of the date of the Warning Letter, the violation remains, the Resolution Committee can recommend the Board of Directors to assess the account a five hundred dollar (\$500) fine for non- compliance.
- The Resolution Committee will issue a Fine Letter, sent Certified Return Receipt and First Class Mail, noting the violation that has not been remedied and the fine was assessed. If after an additional 14 calendar days the violation is still not resolved, the member will be fined an additional two hundred dollars (\$200) per week.

- B. All fines will be due and payable to the Association within fourteen (14) calendar days.
- C. In the event that Fine balance remains unpaid thirty (30) days from the due date, a Past Due Notice may be sent via regular mail to each Owner with a delinquent account setting forth all Fines, and other amounts due. The Past Due Notice will contain a statement that the entire remaining unpaid balance of the Fine is due and that the owner is entitled to a Payment Plan as set forth in the NBRC Payment Plan Guidelines recorded under Comal County Clerk's File Number 201206000366. In the event an owner chooses to enter a Payment Plan, and the plan is administered by an outside firm, a charge of \$20.00 dollars per month will be added to each delinquent Owner's account balance for administrative costs related to the Payment Plan and such additional administrative costs will continue until the entire balance is paid in full. If the Owners fails to complete the payment plan an additional \$50.00 dollars termination fee will be added.
- D. The POA member has the right to appeal the Resolution Committee determination of violation. An appeal must be filed within thirty (30) calendar days from the date of the original courtesy letter. The appeal must be in writing and mailed or delivered to the POA Office at 436 River Chase Way, New Braunfels, TX 78132.
- E. Under no circumstances will the Association's Agent have authority to (1) forward any account to a collection's agency or attorney for collection or (2) forward any past due account to an attorney to initiate lien or foreclosure proceedings without written approval of the Board of Directors. All legal expenses associated with lien and foreclosure actions will initially be paid by the Association and billed to the owner's account.
- F. No agent, management group, or law firm acting in a collection capacity on behalf of the NBRCPOA is authorized to initiate legal action unless expressly authorized by the Board of Directors.
- G. If unpaid fines remain on the books for an extended period, the Board of Directors shall retain a law firm(s) to initiate legal action to recover all fines, and other allowed fees under the law.
- H. If the Association has initiated foreclosure proceedings against an owner, based on outstanding unpaid Assessment fees and the owner has additional unpaid Fines, the Association shall collect the unpaid Fines in addition to the other fees due the association at the foreclosure sale.
- I. If the Association becomes the default owner of a foreclosure property, and (1) the county titles the property to the Association and (2) the member has not repaid the required redemption amount and unpaid fines within the redemption period and, (3) the Association, pays the county taxes, and (4) any outstanding lien obligation, the property is deemed owned by the Association.

- J. NSF Charge. Pursuant to the powers granted to the Association for administration of the affairs and for the operation and maintenance of the development, a charge of \$25.00 will be assessed for checks returned for non-sufficient funds (NSF).
- K. Interest Charge. Fines paid within thirty (30) days after the due date shall bear interest from the date of delinquency at the highest rate of interest allowed by law.
- L. Expenses Incurred. Pursuant to the Declarations, Article VIII, Section 8.11, the Association is to be reimbursed for the costs incurred by the Association in connection with violations of the Declarations and/or the Rules and Regulations, including attorney's fees incurred by the Association with respect to exercising such remedy to abate the violation.
- M. Partial Payments. The acceptance of a partial payment on an owner's account does not constitute a waiver of the Association's right to collect the full outstanding balance due.
- N. Order of crediting payments. All payments received shall be applied in the following categorical order of priority to the oldest amount due: assessments, attorneys fees associated with assessments, other attorney's fees, fines and any other amount owed.
- O. Process for Delinquency Notification. For balances equal to a fine or equal to or exceeding one annual assessment that are at least thirty (30) days past due, the following notification process may be taken by the Association to collect delinquent accounts:
- First Notice. The first notice of past due charges will include details of all amounts past due and request for immediately payment to be sent by First Class Mail to an owner whose balance is thirty (30) days past due.
 - Final Notice - 15 Day Demand. A final demand for payment will include details of all amounts past due and request for payment to be sent by First Class Mail and Certified Mail Return Receipt Requested to an owner whose balance is forty-five (45) days past due. This notice will advise the owner of the Association's **authority** to initiate legal proceedings for collection of past due fines.
 - Legal Services. All legal fees incurred as a result of delinquent account become the responsibility of the owner and are attached to the owner's account.
 - Other Charges. The Association will add to an owner's maintenance assessment account balance all charges authorized by the dedicatory instruments of the Association.

- P. Referral of Account for Legal Action. On a case-by-case basis, the Board of Directors shall have exclusive authority to authorize an attorney working on behalf of the Association to take only the action authorized by the Board of Directors, in the best interests of the Association.
- Q. Owner Address. It shall be the responsibility of each owner to keep the Association advised of their current mailing address if different than their River Chase property address. All notices will be mailed to the owner via certified mail, return receipt requested, at the property address on record with the River Chase Association as provided by the owner.
- R. Waiver/Modification of Policy. The Board at its discretion may grant a waiver of any provision or otherwise modify any of the procedures contained herein upon petition of an owner showing a personal hardship.
- S. Required Action. Nothing contained in this Resolution, not otherwise required by the Declaration, shall require the Association to take any of the specific actions contained herein. The Board of Directors of the Association shall have the right, but not the obligation, to evaluate each Declaration and Rules and Regulations violation on a case-by-case basis as in its best judgment deems reasonable.
- T. Amendment. The Board of Directors may amend this Policy from time to time.

Article 2: Violations of Article III of the DCCRs, excluding Sections 3.14,

3.15, 3.16 and 3.17. All members of the Association shall be obligated to abide by the Declarations and the published Rules and Regulations involving construction and property improvements. The Declarations in Article VIII, Section 8.10, grants authority to the NBRC PROPERTY OWNERS ASSOCIATION to impose fines upon members who violate any Declaration restriction and/or rule or regulation. Members who did not submit an application for a property improvement to the ACC or who did submit an application and received the ACC approval for construction or who have not adhered to the applications details during construction are subject to the following escalating schedule of penalties. These types of violations are related to homeowner's property improvements, and due to their nature (such as constructing a building that encroaches into the restricted setback, or construction does not adhere to the approved application, may not be curable other than demolition of the construction violation and in lieu of demolition may cause a large fine to be levied on the property

A. When notified of a possible construction violation, the Homeowners Resolution Committee will investigate the proposed violation against ACC records of approved applications. If a violation is found to have occurred, the Resolution Committee shall take the following action:

- If an application has not been submitted to the ACC for approval of the construction, The Resolution Committee shall contact the property owner, explain the lack of application and request the owner submit an application within the next fourteen (14) days.
- If (1) an application is not submitted within the stated time period, or (2) if the application was submitted but denied by the ACC or (3) an application had previously been approved by the ACC but construction did not adhere to the approved application details, the Resolution Committee shall make a recommendation to the Board of Directors, to fine the property owner in lieu of/ or have the property owner remove the structure. Fines shall be set on a case-by-case basis and should be commensurate to the level of the violation.
- The Resolution Committee shall provide written notice to the violating owner citing the violation(s), with the request to cure the violation within fourteen (14) calendar days, except in situations calling for immediate action, with the opportunity to request a hearing with the Resolution Committee within fourteen (14) days of their receipt of that notice. (Property Improvement Courtesy Notice)
- After fourteen (14) calendar days of the date of the first written notice, all members who do not adhere to the requirements will be given a written warning to cure the violation by a reasonable, specified deadline to cure, sent Certified Return Receipt and First Class Mail, with the opportunity to request a hearing with the Resolution Committee within fourteen (14) days of their receipt of that notice. The written warning will clarify that if the violation is not cured fine(s) will be assessed following the deadline to cure the violation. (Property Improvement Warning Letter).
- The Resolution Committee will issue a Fine Letter, sent Certified Return Receipt and First Class Mail, noting the violation that has not been remedied and the fine was assessed.

B. All fines will be due and payable to the Association within fourteen (14) calendar days.

- C. In the event that Fine balance remains unpaid thirty (30) days from the due date, a Past Due Notice may be sent via regular mail to each owner with a delinquent account setting forth all Fines, and other amounts due. The Past Due Notice will contain a statement that the entire remaining unpaid balance of the Fine is due and that the owner is entitled to a Payment Plan as set forth in the NBRC Payment Plan Guidelines recorded under Comal County Clerk's File Number 201206000366. In the event an owner chooses to enter a Payment Plan, and the plan is administered by an outside firm, a charge of \$20.00 dollars per month will be added to each delinquent owner's account balance for administrative costs related to the Payment Plan and such additional administrative costs will continue until the entire balance is paid in full. If the owners fails to complete the payment plan an additional \$50.00 dollars termination fee will be added. The POA member has the right to appeal the Resolution Committee determination of violation. An appeal must be filed within thirty (30) calendar days from the date of the original courtesy letter. The appeal must be in writing and mailed or delivered to the POA Office at 436 River Chase Way, New Braunfels, TX 78132.
- D. Under no circumstances will the Association's Agent have authority to (1) forward any account to a collection's agency or attorney for collection or (2) forward any past due account to an attorney to initiate lien or foreclosure proceedings without written approval of the Board of Directors. All legal expenses associated with lien and foreclosure actions will be initially be paid by the Association and billed to the owner's account.
- E. No agent, management group, or law firm acting in a collection capacity on behalf of the NBRCPOA is authorized to initiate legal action unless expressly authorized by the Board of Directors.
- F. If unpaid fines remain on the books for an extended period, the Board of Directors shall retain a law firm(s) to initiate legal action to recover all fines, and other allowed fees under the law.
- G. If the Association has initiated foreclosure proceedings against an owner, based on outstanding unpaid Assessment fees and the owner has additional unpaid Fines, the Association shall collect the unpaid Fines in addition to the other fees due the association at the foreclosure sale.
- H. If the Association becomes the default owner of a foreclosure property, and (1) the county titles the property to the Association and (2) the member has not repaid the required redemption amount and unpaid fines within the redemption period and, (3) the Association, pays the county taxes, and (4) any outstanding lien obligation, the property is deemed owned by the Association.
- I. NSF Charge. Pursuant to the powers granted to the Association for administration of the affairs and for the operation and maintenance of the development, a charge of \$25.00 will be assessed for checks returned for non-sufficient funds (NSF).

- J. Interest Charge. Fines paid within thirty (30) days after the due date shall bear interest from the date of delinquency at the highest rate of interest allowed by law.
- K. Expenses Incurred. Pursuant to the Declarations, Article VIII, Section 8.11, the Association is to be reimbursed for the costs incurred by the Association in connection with violations of the Declarations and/or the Rules and Regulations, including attorney's fees incurred by the Association with respect to exercising such remedy to abate the violation.
- L. Partial Payments. The acceptance of a partial payment on an owner's account does not constitute a waiver of the Association's right to collect the full outstanding balance due.
- M. Order of crediting payments. All payments received shall be applied in the following categorical order of priority to the oldest amount due: assessments, attorneys fees associated with assessments, other attorney's fees, fines and any other amount owed.
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 - Legal Services. All legal fees incurred as a result of delinquent account become the responsibility of the owner and are attached to the owner's account.
 - Other Charges. The Association will add to an owner's maintenance assessment account balance all charges authorized by the dedicatory instruments of the Association.
- O. Referral of Account for Legal Acton. On a case-by-case basis, the Board of Directors shall have exclusive authority to authorize an attorney working on behalf of the Association to take only the action authorized by the Board of Directors, in the best interests of the Association.

- P. Owner Address. It shall be the responsibility of each owner to keep the Association advised of their current mailing address if different than their River Chase property address. All notices will be mailed to each owner at their property address in River Chase or to the last address on the books and records of the Association as shall be provided by the owner in writing via Certified Mail Return Receipt Requested to the Association.
- Q. Waiver/Modification of Policy. The Board at its discretion may grant a waiver of any provision or otherwise modify any of the procedures contained herein upon petition of an owner showing a personal hardship.
- R. Required Action. Nothing contained in this Resolution, not otherwise required by the Declaration, shall require the Association to take any of the specific actions contained herein. The Board of Directors of the Association shall have the right, but not the obligation, to evaluate each Declaration and Rules and Regulations violation on a case-by-case basis as in its best judgment deems reasonable.
- S. Amendment. The Board of Directors may amend this Policy from time to time.

Article 3: Rule of Enforceability. Failure of the Association or of any owner to take any action upon any breach or default with respect to any of the foregoing violations shall not be deemed a waiver of their right to take enforcement action thereafter or upon a subsequent breach or default.

ADOPTED at the regular meeting of the Board of Directors held on the 15 day of May 2021

Thus executed this 20TH day of OCTOBER 2022

NBRC PROPERTY OWNERS ASSOCIATION

By Jerry Young
_____, President of the Board of Directors Attested:

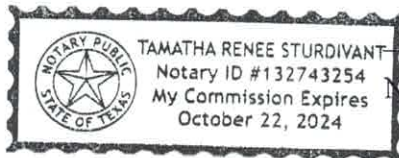
By Daphne Bernal
_____, Secretary

STATE OF TEXAS §

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COUNTY OF COMAL §

I hereby certify that the foregoing instrument was acknowledged before me, the undersigned Notary Tamatha Sturdivant, Office manager President, NBRC Property Owners Association, on the date of execution set forth above.



Notary Public, State of Texas

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
10/26/2022 01:13:15 PM
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Bobbie Koepf