

# The Reserve at Lake Tyler Homeowners Association

15302 Reserve Blvd.  
Tyler, TX 75707

## **DEED RESTRICTION VIOLATION FINES POLICY**

Article 4.3 of the Deed Restrictions of The Reserve at Lake Tyler states:

**4.3. Enforcement.** The Association may impose sanctions for violations of this Declaration, the Bylaws, or rules in accordance with procedures set forth in the Bylaws, including reasonable monetary fines and use of any recreational facilities, including any facilities constructed and/or acquired in the future, within the Common Area. In addition, the Association, through the Board, in accordance with the Bylaws, may exercise self-help to cure violations, and may suspend any services it provides to the Unit of any Owner who is more than thirty (30) days delinquent in paying any assessment or other charge due to the Association. All remedies set forth in this Declaration or the Bylaws shall be cumulative of any remedies available at law or in equity. In any action to enforce the provisions of this Declaration or Association rules, if the Association prevails it shall be entitled to recover all costs, including without limitation attorney's fees and court costs, reasonably incurred in such action from the violating Owner.

The Board of Directors of The Reserve at Lake Tyler has determined that it is in the best interest of the community to establish a policy implementing fines for violation of Deed Restrictions to create continuity and cooperation in maintaining, protecting and ensuring the safety, environment and property values of our community.

### **Procedure by which fines may be levied in The Reserve**

The process of enforcing a Deed Restriction (i.e., taking action to cause compliance with the restrictions) begins with notice to the Deed Restrictions Committee that a non-compliance exists (or has existed at a prior point in the case of an incidental violation). This notice may be written, via e-mail, or verbally delivered to a member of the Deed Restriction Committee or Board member. Any Association Member may initiate a complaint.

- (a) Upon receipt of the complaint, the Deed Restrictions Committee will consider the complaint and determine if a violation exists or has occurred.
- (b) Once it has been determined that a complaint is valid, an attempt will be made to notify the violator in person of the infraction and a request for compliance will be made. If a personal notification was not possible or not productive, a written notification will be sent to the offending member via regular mail or email.
- (c) Any member receiving notice of a violation may request a meeting or other communication with the Board within the time frame indicated in the notification to discuss the violation and possible remedies.
- (d) If the violation is cured within the time frame requested, no further action will be taken, provided the violation is not repeated within a six month period.
- (e) Should the violation not be resolved or cured within the time frame requested, the Deed Restriction Committee will notify the Board that an unresolved violation still exists. At this point, the Board will determine whether or not to levy a fine. Should a fine be levied, it will remain in place until such a time that the violation is resolved or cured, or if the violation is referred for legal remedy.

- (f) Most violations are of a continuing nature, and therefore subject to a recurring fine should the violation not be resolved. Recurring fines will be in place until the violator notifies the Board in writing that the violation no longer exists and the Board has verified same.
- (g) However, some violations may be incidental (i.e., illegal fire, obnoxious or offensive activity) and are subject to a one-time fine. These fines are automatically subject to being levied if the violation has previously occurred within a six month period.
- (h) Any fines levied are due and payable to The Reserve at Lake Tyler Homeowners Association within ten (10) days of notice of fine. If such fine is not fully paid within the ten-day period, the Board may move to enforce payment as provided in the Deed Restrictions.

**Fine Schedule**

The following table provides the schedule of fines that may be levied against The Reserve at Lake Tyler property owners who violate the Deed Restrictions, Design Guidelines (DG), Rules, Regulations or Policies.

<b>Reference Restriction #</b>	<b>Restriction, Rule, Regulation, Policy Title</b>	<b>Fine</b>
1.23	Lot	\$50 per day that violation exists
1.24	Dwelling Unit	\$50 per day that violation exists
11.3	Guidelines and Procedures (Architectural Control)	\$25 per day that violation exists
12.2	Authority to Promulgate Use Restrictions and Rules	\$25 per day that violation exists
12.4	Rights of Owners	\$50 per day that violation exists
12.6	Building Types	\$25 per day that violation exists
12.7	Re-subdivision	\$25 per day that violation exists
12.8	Business (a business activity that is visible or creates excessive traffic in the community)	\$50 per day that violation exists
12.9	Signs	\$10 per day that violation exists
12.10	Oil & Mining Operation	\$1000 per day that violation exists
12.11	Livestock & Poultry	\$20 per day that violation exists
12.12	Garbage & Refuse	\$25 per day that violation exists
12.13	Clotheslines	\$10 per day that violation exists
12.14	Utility Services	\$25 per day that violation exists
12.15	Parking	\$25 per day that violation exists

12.16	Nuisance	\$50 per incident
12.17	Driveways	\$25 per day that violation exists
12.18	Mailboxes	\$10 per day that violation exists
12.20	Solar Devices	\$25 per day that violation exists
12.21	Religious Displays	\$10 per day that violation exists
12.22	Flags	\$10 per day that violation exists
12.23	Water Conservation	\$25 per day that violation exists
12.24	Renting & Leasing	\$50 per day that violation exists
12.25	Setbacks	\$25 per day that violation exists
12.26	Fences, Walls, Sidewalks	\$25 per day that violation exists
12.27	Building Materials	\$25 per day that violation exists
12.28	Antennae	\$10 per day that violation exists
12.29	Storage	\$25 per day that violation exists
12.30	Diseases & Insects	\$20 per day that violation exists
12.31	Machinery, Fixtures & Equipment	\$25 per day that violation exists
12.32	Burning & Incinerators	\$25 per incident \$500 per incident which results in damage to surrounding property
12.33	Repairs	\$25 per day that violation exists
12.34	Septic Tanks & Sewage Disposal	\$25 per day that violation exists
12.35	Water Wells	\$50 per day that violation exists
12.36	Firearms & Weapons	\$50 per incident
12.37	Motor Vehicles	\$25 per incident
12.38	Change in Intended Use	\$50 per day that violation exists
12.39	Misuse & Mismanagement	\$25 per day that violation exists
12.40	Violation of Statutes, Ordinances, and Regulations	\$25 per incident
12.41	Gas Operated Recreational Vehicles	\$25 per incident

12.44	Fire Pits / Fireplaces	\$10 per day that violation exists
12.45	Rules & Regulations for Use of the Lakes	\$25 per incident
12.46	Gates	\$50 per incident
2.0 (DG)	Alteration in Grade / Drainage	\$25 per day that violation exists
11.0 (DG)	Exterior Lighting	\$25 per day that violation exists
34.0 (DG)	Tree Removal	\$50 per tree removed without proper approval

This Policy was adopted at the September 01, 2020 meeting of The Reserve Board of Directors and is referenced in the minutes of that meeting. In addition, the Policy will be posted on The Reserve at Lake Tyler website and will take effect thirty (30) days from the date that it was posted in compliance with Article 12.2(c) of the Deed Restrictions of The Reserve at Lake Tyler.

Note:  
Violation of the above policy is considered a violation of the rules of the Association and may result in fines assessed to the property owner.

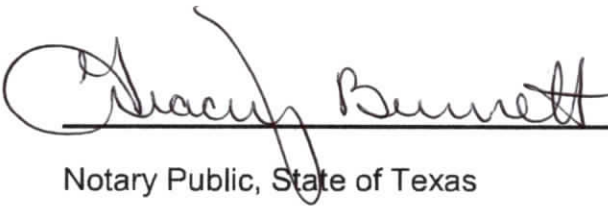
IN WITNESS WHEREOF, the undersigned President of The Reserve at Lake Tyler Home Owners Association, Inc., has executed this Declaration this 14 day of July 2022.

7/14/2022  
Date

William Vent Richardson  
President of The Reserve at Lake Tyler Home Owners Association, Inc.

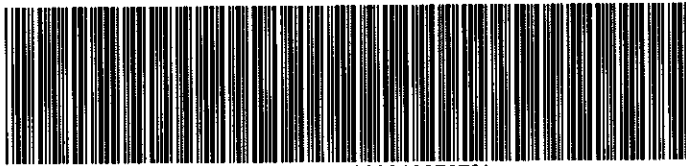
STATE OF TEXAS           §  
  §  
COUNTY OF SMITH       §

BEFORE ME, the undersigned authority, on the 14 day of July, 2022, personally appeared, William Trent Richardson, to me known to be the President of The Reserve at Lake Tyler Home Owners Association, Inc., and he/she acknowledged before me the he/she executed the same for the purposes therein expressed.

  
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Notary Public, State of Texas



My Commission Expires: 6/15/2026



\*VG-151-2022-202201027679\*

Smith County  
Karen Phillips  
Smith County Clerk

Document Number: 202201027679

Real Property Recordings  
RESTRICTION

Recorded On: July 18, 2022 12:12 PM

Number of Pages: 6

Billable Pages: 5

" Examined and Charged as Follows: "

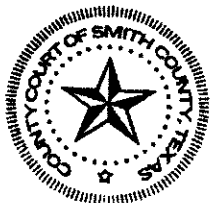
Total Recording: \$42.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 202201027679  
Receipt Number: 20220718000085  
Recorded Date/Time: July 18, 2022 12:12 PM  
User: Suni W



STATE OF TEXAS  
Smith County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Smith County, Texas

Karen Phillips  
Smith County Clerk  
Smith County, TX