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# GRAND HARBOR

## Property Owner's Association

### DEED RESTRICTIONS ENFORCEMENT POLICY AND PROCEDURE

May 4, 2011

GRAND HARBOR PROPERTY OWNER'S ASSOCIATION  
11301 Grand Harbor Blvd.  
Montgomery, TX 77356

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## DEED RESTRICTIONS ENFORCEMENT POLICY AND PROCEDURE

### POLICY

WHEREAS, it is the policy of the Grand Harbor Property Owner's Association (GH POA) to institute and execute a subdivision Deed Restrictions Enforcement Procedure as described herein, and, FURTHERMORE, the authority for this procedure is derived from the subdivision's "Declaration of Covenants, Conditions, and Restrictions" (CCR's) of record, and current GH POA By-Laws of record, which state in part:

***Declaration of Covenants, Conditions, and Restrictions of Grand Harbor  
Article IX, "General Provisions," Section 1, "Term"***

*"It shall be lawful for the Association, the Architectural Control Committee, or any lot owner to prosecute the proceedings at law or in equity against the person or persons violating or attempting to violate any such Covenants and either prevent him or them from doing so or to recover damages or other dues for such violations."*

***First Amended and Restated By-Laws of the GH POA  
Article III, "Board of Directors: Number, Powers, Meetings,"  
Paragraph C, "Powers and Duties," Section 1, "Powers"***

*"... the Board of Directors shall have the power to establish policies relating to, and for performing or causing to be performed, the following,....:*

- (g) making and amending rules and regulations and promulgating, implementing and collecting fines for violation of the rules and regulations;*
- (i) enforcing by legal means the provisions of the Declaration, including the provisions concerning architectural control, these By-Laws, and the rules and regulations adopted by the Association and bringing any proceedings that may be instituted on behalf of or against the Owners concerning the Association:...."*

THEREFORE, it is resolved, the procedure, as follows, is to be implemented without prejudice in a timely and efficient manner such that community standards and property values are maintained while not interfering with the use of and enjoyment in individual property ownership.

**GH POA APPROVAL  
DEED RESTRICTIONS ENFORCEMENT**

I certify that the foregoing is a correct representation of the Policy Statement prepared with ordinary care and agreed to in good faith by a majority of the GH POA Board of Directors on this date. This document is represented as being in the best interest of the Corporation; any previous Policy and Procedure document on this subject is obsolete and has been rescinded.

**Signatures on file in  
POA office**

**GH POA  
DEED RESTRICTIONS ENFORCEMENT  
PROCEDURE**

The Grand Harbor Property Owner’s Association (GH POA) Procedure for Deed Restriction Enforcement, as follows, is to be implemented on behalf of subdivision property owners without prejudice, in a timely and efficient manner, such that community standards and property values are maintained while not interfering with the use of and enjoyment in individual property ownership. This multi-step, time-sequenced restriction violation process follows the form:

**DISCOVERY → DISCLOSURE → CORRECTION → CLOSURE**

**I. VIOLATION TYPES**

Grand Harbor Subdivision CCR’s deed restrictions violations take on various forms, with enforcement procedure and notification requirements tailored in response:

**Type A:** Those violations that are relatively easily resolved by property owner attention/action. Violation corrective action is negotiable to some degree; in infrequent instances, it is possible for corrective action to be implemented without a fine for the first offense. A fine can otherwise be imposed if not resolved in a timely manner or if it is a repeat violation.

**Type B:** Those violations of an egregious nature such that, with official notification: 1) an immediate fine is to be levied, **or** 2) any procrastination on the part of the violator in implementing a remedy will cause an added per-day surcharge to be applied onto the basic penalty until that violation is eliminated. (See also “Grace Period” consideration in Procedure Notes.)

**Type C:** Those violations that may involve a critical time element (such as fast growth of weeds) that, if not expeditiously cured by the property owner, can/will be remedied by the GH POA, with the property owner then billed for all fines, remedy costs, along with a administrative fee.

**Type D:** Those items in violation of the Architectural Control Committee’s (ACC) New-Home Improvement Agreements, as accepted by both the property owner and new-home builders. These stipulations are CCR derivatives within the ACC’s formal enforcement duties and responsibilities. The non-payment of these violation fines can result in the withholding of the refundable portion of the improvement application deposit.

