

## Deed Restriction Enforcement Procedures

The following is the basic outline of the deed restriction violation reporting and enforcement program used by the management company as directed by the Board of Directors of the Prestonwood Forest Maintenance Association.

1. A drive-through of the subdivision is conducted monthly. The drive-through takes place roughly one week prior to the subsequent regular meeting of the Association. Each house in the subdivision is observed by two trained inspectors.
  
2. The inspector points out perceived violations when and as observed, and the co-inspector enters the required comments into a pre-arranged database on a laptop computer.
  
3. The accumulated laptop data are loaded on to the management company's server.
  
4. A non-compliance spreadsheet is generated and forwarded electronically to each member of the Board. During the interim period prior to the next regular monthly Association meeting, the spreadsheet entries are reviewed, the addresses concerned are visited, and the inspecting Board members note their concurrence or their dissent from the observations made by the management company.
  
5. When the spreadsheet is generated, a formal non-compliance list, called an "Edit List" is also generated. This list is a detailed list of perceived violations as observed by the inspectors and is presented to the Board for discussion and action at the next regular monthly meeting. These recommendations are then either accepted or rejected by the Board. When accepted, appropriate letters are subsequently generated, edited, printed and mailed by the management company. If the violation recommendation is rejected by the Board, the recommendation is expunged from the edit list.
  
6. Violations are classified as major, moderate or minor, but the procedure requesting compliance with the deed restrictions remains the same for all three categories.
  - a. When non-compliance requires immediate attention, a first-class letter is prepared and mailed and the non-compliance is monitored for one month. The letter is sent to the homeowner of record and to the lessee if the home has been leased.
  
  - b. When there is no response by the homeowner to the first letter, and non-compliance is again noted at the next drive-through, a certified demand letter is sent, along with a separate first-class letter, approximately thirty days following the date of the first letter.
  
  - c. When there is no response from the homeowner to the certified demand letter, the issue is reviewed at the next meeting of and by the Board of Directors for possible referral to the Association's attorney with instructions to issue a legally formal compliance demand letter or for other disposition as the Board may determine.
  
  - d. When there has been a response from a homeowner, written or verbal, the response is entered into the database

program and printed on a memorandum which is entered into the homeowner's file.

7. When a homeowner or lessee acknowledges the violation and requests additional time to comply, a thirty-day extension is automatically granted. Board approval is required if a longer period of time is requested in order to effect compliance.

8. When an owner disagrees with the specific issue of non-compliance, and believes that issue to be in accordance with the deed restrictions, that homeowner is offered a hearing before the Board as required by section 209 of The Texas Property Code. Each homeowner will be heard during the executive session portion of the next available regular Board meeting.

9. When a homeowner or lessee reports a violation has been corrected, that report is noted in the database, and the property is re-inspected during the subsequent drive-through inspection.

10. When a subsequent drive-through inspection notes that a violation has, indeed, been corrected, the non-compliance report is expunged from the edit list.

NOTE: In order to ensure uniform enforcement, the inspectors do not have access to owners' names during the drives.

(Click here for Deed Restriction Violation Deadline Extension Request form )