

**POLICY: 209 VIOLATION – OPPORTUNITY TO CURE THE VIOLATION AND REQUEST FOR
A HEARING**

**LA BUENA VIDA PROPERTY OWNERS' ASSOCIATION, INC
Effective Immediately Upon Filing**

Section 209.007 of the Texas Property Code sets forth notice requirements to provide an Owner with an opportunity to cure a violation or delinquency, including providing the Owner with an opportunity to request a hearing with the Board. The Board desires to adopt a procedure for conducting a hearing that is consistent with Sections 209.006 and 209.007 of the Texas Property Code and its Declaration.

This hearing procedure may be implemented before proceeding to Mediation and Arbitration as described in Article 8.9 of the Covenants, Conditions, and Restrictions of the Association.

Effective September 1, 2021, a property Owner is entitled to submit a written request for a hearing to discuss and verify the facts and resolve the matter at issue before the Board:

- a) The Board Hearing may be held by virtual or telephonic means, in which case the access information for the virtual or telephone Board Hearing shall be the "place" of the Board Hearing for purposes of the Notice.
- b) Owners are expected to provide copies of any documentary evidence the Owner intends to introduce at the Board Hearing to the Board no later than five (5) days before the Board Hearing.
- c) The Board is not required to deliberate or reach a determination during the Board Hearing. Rather, all information gleaned from the Board Hearing may be taken under advisement by the Board.
- d) The Board may set a time limit for the Board Hearing, to be determined at the Board's sole and absolute discretion, considering factors including but not limited to the complexity of the issues and the number of exhibits. The Board may communicate the time limitation in any manner to the Owner in advance of the Hearing. The time limitation will be strictly adhered to and is intended to strike a balance between allowing the Association ample time to present its case, allowing the Owner ample time to present the Owner's response, and The Board's finite amount of time available to consider such issues.
- e) All parties participating in the Board Hearing are expected to treat each other professionally and respectfully. The Board reserves the right to terminate a Board Hearing if the Board, in its sole and absolute discretion, determines the Board Hearing has become unproductive and/or or contentious. The Board, in its sole and absolute discretion, reserves the right to reconvene any Board Hearing that is terminated.
- f) This Policy does not apply to instances where the Association files a suit seeking a temporary restraining order, or temporary injunctive relief, or files a suit that includes a foreclosure as a cause of action.

Additional Rules Applicable to Hearings in Connection with Denial of an ACC Application:

- a) In accordance with Section 209.00505(d) of the Texas Property Code, a decision by the ACC denying an application or request by an Owner for the construction of improvements in the subdivision may be appealed to the Board.
- b) During the Board Hearing, the Board (or a designated representative of the Association) and the Owner (or the Owner's designated representative) will each be provided the opportunity to verify facts and discuss the resolution of the denial of the Owner's application or request for the construction of improvements, and the changes, if any, requested by the ACC in the notice provided to the Owner.
- c) Following the Board Hearing, the Board may affirm, modify, or reverse, in whole or in part, any decision of the ACC as consistent with the Association's Dedicatory Instruments.

Additional Rules Applicable to Other Hearings:

This section shall apply to Board Hearings in connection with the levying of fines or charges for violations of the Dedicatory Instruments, suspension of an Owner's right to use the Common Areas, the filing of a lawsuit against an Owner other than a suit to collect regular or special assessments or foreclosure of an Association's lien, charging an Owner for property damage, or reporting of any delinquency of an Owner to a credit reporting service.

- a) The Board shall include with the Notice, a Hearing Packet containing all documents, photographs, and communications relating to the matter which the Board intends to introduce at the Board Hearing.
- b) If the Board fails to provide the Hearing Packet to the Owner at least ten (10) days before the Board Hearing, the Owner as entitled to an automatic fifteen (15) day postponement of the Board Hearing.
- c) During the Board 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 then entitled to present the Owner's information and issues relevant to the dispute. The Board may ask questions of the Owner or designated representative.

CERTIFICATION

I, CONSTANCE BRADLEY, President of the La Buena Vida Homeowners Association, Inc. ("Association"), do hereby certify that in the open session of a properly noticed meeting of the Board of Directors ("Board") of the Association, duly called and held on the 10th day of March, 2023, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the forgoing 209 Hearing Policy was duly approved by at least a majority vote of the Board present at the meeting:

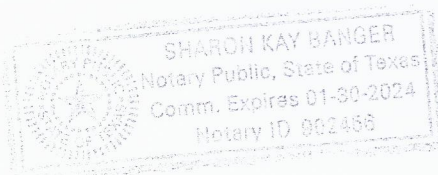
Constance Bradley

STATE OF TEXAS §
 §
COUNTY OF ARANSAS. §

This instrument was acknowledged and signed before me on 15
March, 2023 by Constance Bradley, President of La Buena Vida Homeowners Association, Inc.'s Board of Directors.

Sharon Kay Banger

Notary Public, State of Texas



After Recording Return To:
LBV Property Owners Association Inc.
c/o Johnson & Creekmore
2611 Hwy 35 N
Aransas County, Texas. 78382