

*Notice of:*

## **CODES FOR COMMUNITY LIVING**

*The Rio Brazos Property Owners Association is an Association of individuals and a community of residents with a common interest in maintaining the highest quality of life for all residents.*

*The following rules and procedures are intended to be a guide for the safety and security of residents; for the efficient and prudent operation for pleasant living, and a means of reminder that each of us has a responsibility to one another and that all residents must be fair to one another.*

### **Purpose of the Architecture Control Committee (ACC)**

June 21, 2015

The purpose of the ACC, as outlined in the By-laws, is to make sure that all Property Owner's Association (POA) plans, regulations and restrictions are adhered to by all parties and to report incidents to the POA Board of Directors (BoD) for final determination. Property owners must report restriction violations to the ACC in writing either by email, by US Mail or by bringing a signed statement to the POA office.

The ACC is one of three compulsory standing committees created by our Rio Brazos By-laws. The Rio Brazos POA By-laws Part II (filed in 1999), Article 7, Section 2 created the ACC .

1. The standing committees were created by the By-laws
2. Both Board and standing committees get their authority from the By-laws
3. Standing committees were created to work under Board (BoD) authority
4. The purpose and responsibility of each standing committee is identified in the By-laws
5. Remedies, pertaining to the committee responsibilities, are natural and inherently available and actionable to secure compliance to the subdivision restrictions as determined by the By-laws.

The Rio Brazos POA By-laws Part II, Article 7, Section 3 a 1, 2 and 3 make the ACC responsible for the following:

1. Meet at any time deemed necessary
2. Act upon plans, regulations and restrictions as legally set out upon the purchase of any property and all properties in subdivision
3. See that restrictions are adhered to by all parties concerning buildings, mobile homes and other structures placed on properties
4. See to the enforcement of grounds and properties maintenance (See Rio Brazos "Declarations of Restrictions, Covenants and Conditions," revised 10/18/2014, item # 21) concerning mowing and property care by reporting to the BoD for resolution and legal enforcement

## ACC Report Receiving Procedure

The ACC will only accept approval requests and or restriction violation reports by US mail, email, or a signed written statement.

### REQUESTS FOR APPROVALS

Request for approvals are more complex because of the copies of documents that are required. POA Members are encouraged to call or email one of the ACC team members to make sure all of the required documents can be provided. It's best to email the ACC team and copy the BoD at [info@rio-brazos-poa.com](mailto:info@rio-brazos-poa.com), this ensures a paper trail and is easily shared among all parties involved. Members may also mail or drop off the required documents at the POA office or with an ACC team member.

### RESTRICTION VIOLATIONS

**It depends on the nature of the complaint/ violation. If it is a noise, pet issue, etc., then the affected resident should first address the issue in person with the offender (unless there is a threat of violence) keeping a record of the issue, date, time and what the response was. If it happens again within a short period of time, say one week, an email or letter should be directed to the ACC team with the details for further action. The complaint will be investigated as soon as possible by the ACC. If the report of violation is deemed accurate, written notice will be sent to the owner. The first notice of the violation will be regarded as a warning, if after 5 days (as per Deed restriction #21), the violation is not cleared or is repeated, a penalty & enforcement fee will be levied against the owner as follows until the violation is cleared. As long as the POA has the right to dictate architectural design standards, it has the right to inspect for compliance.**

Restriction violation reports can be received via US Mail, email, or by written statements – all must have a way that we can contact you and include your signature.

**Rio Brazos ACC team will not take restriction complaints verbally or anonymously.**

PROCEDURAL PROCESS FOR ACC DELIBERATIONS

1. Acknowledge the sender of our receipt by mail or email
2. Forward original report to the ACC Team
3. Schedule an ACC Team meeting
4. Team reviews Lot History files if necessary
5. Team decides on proper remedy action plan
  - a. Should ACC take action or should the issue be remanded back to the originator?
  - b. The report will be discussed and a script will be discussed which will be used with POA member.
  - c. What is the first action to be taken?
    - i. What date will action start?
    - ii. Which ACC Team members will be involved?
  - d. What is the second action to be taken?
    - i. What date will action start?
    - ii. Which ACC Team members will be involved?
  - e. What is the third action to be taken?
    - i. What date will action start?
    - ii. Which ACC Team members will be involved?
6. Report to the BoD for approval and implementation
7. When the steps listed above are completed then write an Action Review (Remedy Action Plan form) and place in permanent lot file.

Face-to-face meeting or telephone call script:

Require members to send letter or email to ACC team and BoD at [info@rio-brazos-poa.com](mailto:info@rio-brazos-poa.com). Explain that in the past that we have received too many incorrect factual allegations that have led to faulty conclusions on our part; therefore, we will not accept anything other than written submissions. We want to get all the facts right and in the original wording so that what we do is correctly based. Please ask that they submit the message clearly with all of the facts, dates, times, names, places and the circumstances as well as any additional information that pertains to the issue. Their name, telephone number and an address or email must be included so that we can notify them of progress and resolution. This will help the ACC Team to act quickly, consistently and equitably for the BoD and all members.

After all data listed above has been submitted by the POA member to the ACC Committee for review, the POA member may then optionally elect to request an “open discussion” meeting with the ACC Committee. This is to ensure that the Committee’s rationale for its decision is clear to the POA member. The relevant decision will then be forwarded to the Board of Directors for their approval and action.

## **Architecture Control Committee (ACC) Policies**

**Policy:** A policy is a standard adopted by a BoD that sets out the beliefs, values and objectives of a committee. A committee's policies are designed to communicate, organize, and focus the resources of the committee and to create a uniform standard that is to be met in all cases.

### **Independent Action**

All ACC action with a member should be handled with at least 2 team members. We want to refrain from any independent actions by any ACC Committee member.

However once an action has been decided by the team then an individual team member may forward the issue to the BoD for approval and final decisions.

### **Keep Complaints Anonymous**

The ACC will not include the complainant name in any correspondence or talks with any member. The complainant name will be included in the records but will be kept anonymous as much as is possible.

### **Property Access**

The ACC, even in the performance of ACC duties, does not automatically have the right to access any properties without the express permission of the owner, owner's spouse, or renter.

### **Interpretation of Restrictions**

The ACC and BoD must interpret restrictions in any conflict. Interpretation process will be as follows:

1. Discussion on the intent and language of the restriction
2. Discussion on any related restriction or part of the By-laws
3. A majority vote of the BoD

### **Grandfathering**

Neither the ACC nor the BoD have the authority to grandfather, set aside, disregard, or in any way ignore a legal and lawful restriction approved by the membership.

Restrictions can only be changed by membership voting as described in the Restrictions, page 1, and paragraph 2. Neither the ACC Committee nor the BoD has the authority to approve anything that is prohibited in the deed restrictions or By-laws.

### Complaint by ACC member

Any complaint by or about an ACC member will be submitted in writing to the ACC, it will be handled just like any other complaint except that the complainant will not be able to participate in the investigation, notice or solution. Only the two remaining ACC members will handle the complaint and follow it to conclusion.

# GENERAL NOTICE

**We have tried to contact you but missed you. Please contact one of your Architectural Control Committee members listed below to resolve a POA covenant issue.**

In order to maintain the architectural integrity and preserve the aesthetic harmony of our neighborhood, the POA By-laws established the ACC. Please contact one of your ACC members listed below to resolve a POA covenant issue.

**POA Office – 682-936-4404**  
101 E. El Camino Real  
Weatherford, TX. 76087  
[info@rio-brazos-poa.com](mailto:info@rio-brazos-poa.com)

**Architectural Control Committee members and emails**

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## **NOTICE of Pending Maintenance Action/Fee**

**There has been a complaint made against the condition of this lot. Please contact one of your ACC members listed below to resolve the issue. If no contact is received from the lot owner, maintenance will be performed to resolve the issue and the lot owner will be responsible for additional maintenance fees.**

In order to maintain the architectural integrity and preserve the aesthetic harmony of our neighborhood, the POA By-laws established the ACC. Legal enforcement of restrictions is the responsibility of the Rio Brazos Property Owners Association Board.

Property Owners are responsible for the upkeep/maintenance and keeping within all deed restrictions for all lots owned.

Please contact one of your ACC members listed below to resolve a POA covenant issue.

**POA Office** -- 682-936-4404  
101 E. El Camino Real  
Weatherford, TX. 76087  
[info@rio-brazos-poa.com](mailto:info@rio-brazos-poa.com)

### **Architectural Control Committee members and emails**

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# Remedy Action Plan

Date \_\_\_\_\_

Reported incident: \_\_\_\_\_  
\_\_\_\_\_

Should ACC take action or should the issue be remanded back to originator? \_\_\_\_\_  
\_\_\_\_\_

The report will be discussed and a script will be discussed which will be used with the member.

**What is the first action to be taken?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What date will action start?  
Which ACC Team members will be involved?

**What is the second action to be taken?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What date will action start?  
Which ACC Team members will be involved?

**What is the third action to be taken?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What date will action start?  
Which ACC Team members will be involved?

# STOP CONSTRUCTION ORDER

**Stop all construction activity immediately. There has been a complaint made against this construction site. Please contact one of your ACC members listed below to resolve the issue.**

In order to maintain the architectural integrity and preserve the aesthetic harmony of our neighborhood, the POA By-laws established the ACC. Any property owner of record wishing to erect or alter any building in the subdivision will need to submit their written request to this committee for BoD approval. Legal enforcement of restrictions is the responsibility of the Rio Brazos Property Owners Association Board.

No building of any kind may start until all building plans, specifications and plot plans have written approval from the BoD.

Please contact one of your ACC members listed below to resolve a POA covenant issue.

**POA Office – 682-936-4404**  
101 E. El Camino Real  
Weatherford, TX. 76087  
[info@rio-brazos-poa.com](mailto:info@rio-brazos-poa.com)

## **Architectural Control Committee members and emails**

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# Rio Brazos Architectural Control Committee Submission and POA Board Approval

Property owner of record \_\_\_\_\_

Lot Number \_\_\_\_\_ Block \_\_\_\_\_ Address \_\_\_\_\_

Date submitted to ACC team \_\_\_\_\_

ACC team member \_\_\_\_\_

Acknowledged by mail or email \_\_\_\_\_ Date \_\_\_\_\_

Proposed Construction Start Date \_\_\_\_\_

Description of building project

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved

Date \_\_\_\_\_

Rio Brazos POA Board members

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date sent to property owner \_\_\_\_\_

ACC team member \_\_\_\_\_

Acknowledged by mail or email \_\_\_\_\_ Date \_\_\_\_\_



- No pits or holes may be dug except for construction of a foundation (12)
- No structures may be moved to a lot without written approval (13)
- No billboards or signs, unsightly objects or advertising display except 1 for sale sign for house and lot no more than 3 square ft. (15)
- No water wells (16)
- Lot must be clean and free from weeds and debris (21)


7. **Offensive activity or condition**

- Noxious or offense activity (4)
- Annoyance or nuisance to the neighborhood present or future (4)
- No dumping or storing of rubbish (12)
- No burning of household trash (12)
- No raising animals for commercial purposes, No horses, mules, cattle, chickens (14)
- No commercial cat or dog kennel (14)


**These restrictions run with the land and fully binding on all persons acquiring property in Rio Brazos by descent, devise, purchase, or otherwise and accepting title to any lot of Rio Brazos. (23)**

**Violators of these restrictions may be prosecuted by any lot owner in Rio Brazos either to keep the violation from occurring or to correct such violation. (24)**

Property owner of record signature \_\_\_\_\_ Date \_\_\_\_\_

Accepted by ACC member \_\_\_\_\_ Date \_\_\_\_\_



- Parker County and BRA (10)
- Lavatories/toilets/baths must be completed before occupancy (11)
- No pits or holes may be dug except for construction of a foundation (12)
- No structures may be moved to a lot without written approval (13)
- No billboards or signs, unsightly objects or advertising display except 1 for sale sign for house and lot no more than 3 square ft. (15)
- No water wells (16)
- Lot must be clean and free from weeds and debris (21)


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Property owner of record signature \_\_\_\_\_ Date \_\_\_\_\_

Accepted by ACC member \_\_\_\_\_ Date \_\_\_\_\_



## ACC Form List

1. **General Notice** (of possible violation)
2. **Notice of Pending Action** (regarding a specific property condition/violation)
3. **Action Plan** (internal ACC form detailing procedural process to be taken)
4. **Stop Construction Order** (construction violation)
5. **Board of Directors Approval** (ACC request for BoD approval to take action)
6. **Property Owner's Construction Worksheet and Application to Proceed – EAST**
7. **Property Owner's Construction Worksheet and Application to Proceed – WEST**

## **Violations**

### **Possible Violation Penalties**

In order to fulfill the intent of the Bylaw's purpose for the ACC, many remedies are natural and inherently available to secure compliance to the subdivision restrictions and this list is not intended to be a complete/exhaustive list of actions to be taken. The ACC's intent is to use the least invasive remedy possible to accomplish owner compliance to current restrictions. Our goal is to ensure our members that restrictions are consistently and fairly enforced.

#### Hierarchy of Restriction Violation Remedies

1. Email or Letter of notice
2. Certified Letter of 2<sup>nd</sup> Notice – signed by BoD
3. Levy Fine / Fee / - with Board appeal provision – signed by BoD
4. Lien Filing – signed and filed by BoD
5. Justice of the Peace Court – signed and filed by BoD
6. District Court - signed and filed by BoD
7. Foreclosure - signed and filed by BoD

### **Member Appeals Process Policy**

In keeping with the intent of the Bylaw's purpose for the ACC and BoD, we want to make sure our members have a standard method of appeal so that they can be assured that their objection will be heard and decided by the BoD. The offering and the adoption of this resolution does not mean that our members do not have or have not ever had an appeal option. Our (ACC) intent is to install a standard procedure for all members to use as an appeal to the BoD and to adopt it into procedural standards of performance.

### **Appeals Process**

Any member receiving notice of a violation or remedy actions may submit a written appeal to the BoD. The member will be given an opportunity for a hearing with the BoD within 30 days and no enforcement fine/fee will imposed until the outcome of that hearing is decided.

### **Schedule of Fees/Fines**

To make the Bylaws directive possible, many remedies are natural and inherently available to secure compliance to the subdivision restrictions and this Schedule of Fees and Fines is not intended to be a complete list of actions taken. The ACC's intent is to

clearly lay out the price of certain jobs performed by the RBPOA volunteers/contractors for our community and the amount of penalties for a range of violations. All property owners are on notice as to the fees for services rendered and the consequences of violations and, just as importantly, members can hold the BoD accountable for applying a consistent standard to all property owners. Unpaid fees/fines will be handled by the RBPOA collection policy. If necessary, the BoD can apply a multiple combination of fees or fines or apply a new/different fee or fine.

As per Deed Restriction # 21 - Owners shall be given written notice of any infraction or issue at least 5 days prior to any action to provide them the opportunity to cure.

**Service Fees (Different than fines)**

Mowing or cleanup of per lot	\$100.00
Major Project (per man hour)	\$50.00
County Dump Fee per load	\$200.00

**Nuisance Fines**

Nuisance (general)	\$25.00
Junk vehicle/boat , etc.	\$25.00
Noise ( 11 pm. - 7 am.)	\$25.00
Pet	\$25.00
Offensive activity second occurrence with 1 month	\$50.00

**Architectural Fines**

Lot not kept clean of debris or mowed (after 5 day notice RBPOA will mow and charge the Service Fee in addition to the fine)	\$50.00
Installation of Structure without ACC/BoD approval	\$200.00
New construction without ACC/BoD approval -	\$500.00
Construction materials violation (180 days) - per week	\$25.00
Completion date violation (180 days or extension) - per week	\$25.00

NOTE: If Structure Installation and/or New Construction violations are not resolved, an additional weekly fee of \$25.00 will be charged until resolution occurs:

**How to determine the correct amount of a fine?**

A fine is an amount assessed against an individual in the event of a violation of rules usually for the purpose of soliciting individual actions that remedy the violation. A fee can be made up of parts:

Punitive – Where the amount is correctly sized to punish for the offense.

Reimbursed – Where the amount restores any expenditures.

Example: All fines should be levied according to their punitive purpose, but also with an eye to ensuring that POA remediation costs are covered.

Service Fees may also have a punitive purpose. Since RBPOA is a not-for-profit organization, the fee amount cannot have a profitable purpose or component. These fees have been determined with the idea that the RBPOA may not have a volunteer and may have to outsource the work. It is important to at least cover costs for obvious reasons and should also include some notion of fairness to the market place. Service fees are assessed when a service is performed by the POA on behalf of its members because another member failed to perform his/her duties. The POA is not in the business of mowing lawns / clean up and does so only to protect the interest of ALL members. Therefore the amount of the service fee for lawn maintenance should be at market price level or above to ensure the members are served with incentive to see to their own maintenance.

RIO BRAZOS PROPERTY OWNERS ASSOCIATION, INC., A Texas Corporation, acting herein by and through its duly authorized officers, by an affirmative vote on September 19, 2015 of the above **Architecture Control Committee (ACC) Policies** (a 22 page document including signatures) now on file in the office of the Property Owners Association as on September 19, 2015 hereby incorporate said document as signed and sworn by its current elected board members.

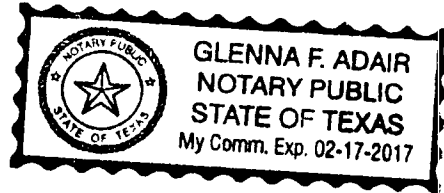
*Perry Lemmons*  
Perry Lemmons, President

ACKNOWLEDGEMENT

The State of Texas §§  
County of Parker §§

Subscribed and sworn to his/her personal knowledge and ability, before me on this 24<sup>th</sup> day of Sept 2015, by Perry Lemmons.

*Glenna F. Adair*  
Notary Public, State of Texas



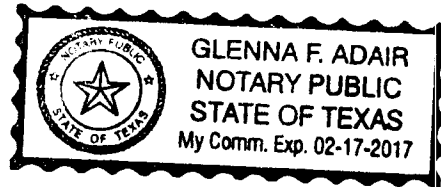
*Kathy Jones*  
Kathy Jones, Secretary

ACKNOWLEDGEMENT

The State of Texas §§  
County of Parker §§

Subscribed and sworn to his/her personal knowledge and ability, before me on this 24<sup>th</sup> day of Sept 2015, by Kathy Jones.

*Glenna F. Adair*  
Notary Public, State of Texas



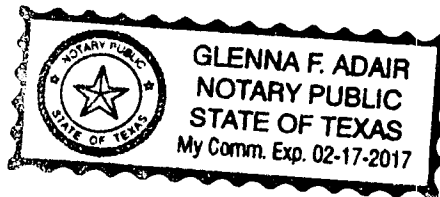
Judy Wallis  
Judy Wallis, Treasurer

ACKNOWLEDGEMENT

The State of Texas §§  
County of Parker §§

Subscribed and sworn to his/her personal knowledge and ability, before me on this 24th day of Sept 2015, by Judy Wallis.

Glenna F. Adair  
Notary Public, State of Texas



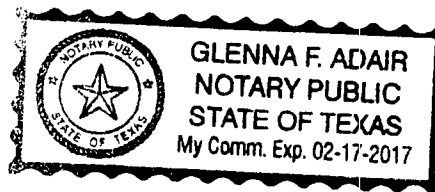
Teresa Steele  
Teresa Steele, Director

ACKNOWLEDGEMENT

The State of Texas §§  
County of Parker §§

Subscribed and sworn to his/her personal knowledge and ability, before me on this 24th day of Sept 2015, by Teresa Steele.

Glenna F. Adair  
Notary Public, State of Texas



Return to:  
Rio Brazos PCA  
101 E. El Camino Real  
Weatherford, TX 76087

**FILED AND RECORDED**  
OFFICIAL PUBLIC RECORDS

Jeanne Brunson

201520439  
09/28/2015 12:11 PM  
Fee: 110.00  
Jeanne Brunson, County Clerk  
Parker County, Texas  
NOTICE