

## **Deed Restriction Violations:**

### **Responding to a Notification Letter & Preparing for a Hearing**

- 1) If you are the property owner, and you receive a Deed Restriction violation letter, and you **resolve the violation**, no action is necessary. The next scheduled property inspection will furnish appropriate information for management company.
- 2) If you are the property owner, and you receive a Deed Restriction violation letter that you **do not understand**, or you believe is in error, contact the GLE Association management company for clarification, then resolve the violation, if it applies to your property.
- 3) If you as property owner or tenant receive a violation letter and you **disagree with it**, and want to request a hearing in accordance with Section 209 of the Texas Property Code, **the owner of the GLE property** must notify GLE Association management company **in writing** to explain the reasons for disputing the Deed Restriction violation and to schedule a hearing, if that is desired. Generally, a hearing will be held within 30 days of Association's receipt of the property owner's request.

The Association management company will notify POA Board members and the GLE property owner of the date, time and place of hearing at least 10 days before the hearing. The hearing notification will include the following Hearing Guidelines:

### **Hearing Guidelines**

1. The GLE property owner shall confirm their intention to attend the hearing as scheduled, or request the hearing be held on a different date than specified in the notice by sending **written reply** to the Association management company.
2. The POA Board or the GLE property owner may each request **one postponement or reschedule** of the hearing.
3. If the GLE property owner does not respond to the hearing notice, or confirms attendance but **fails to attend** the hearing without providing a reasonable explanation in advance, the GLE property owner shall be deemed to have waived the right to attend the hearing.

4. In that case, the Board may impose Deed Restriction enforcement sanctions in the absence of the GLE property owner, but no Deed Restriction enforcement action shall be effective until a motion of the Board is passed and recorded in the minutes of the hearing, and hearing minutes shall include a written statement of the action of the Board, the imposed sanctions, if any, and proof that notice of the hearing was mailed.
5. At a hearing, a GLE property owner may have up to **30 minutes** to present their information or documentation or other evidence s/he believes is relevant, and may present witnesses.
6. Following the presentation of evidence, the Board shall have up to **fifteen (15) calendar days** to notify the GLE property owner in writing of the POA Board's decision
7. The decision of the POA Board is final and if the ruling is in favor of the POA, the notice shall include an effective date by which the GLE property owner must cure the Deed Restriction violation. Should the violation remain after the requested cured date, the account will be turned over to an attorney and the GLE property owner will be responsible for attorney's fees and costs.
8. If the ruling is in favor of the GLE Property owner, the notice will state that and will include any agreed conditions.