



Deed Restriction Enforcement Policy

BACKGROUND: Homeowner and residents of the CREEK TRAILS subdivision have specific responsibilities and restrictions regarding the exterior appearance of their homes. These are documented in the “Declaration of Covenants, conditions, and Restrictions” which is the legal document filed in the Collin County Courthouse and applies to every lot and house within the CREEK TRAILS subdivision. The declaration was set up by the original developers to ensure that the homeowners comply to certain minimum standards in the interest of protecting the investment that the homeowners have in their homes.

POLICY: Among other things, the declaration includes limitation on what can be done to the exterior of a house and that of the storage of boats, trailers, mobile homes, trucks larger than three quarter tons, or other such vehicles in plain sight of your neighbors is not permitted. Also, the declaration requires property owners to keep their lots and houses in a well-maintained, safe, clean and attractive at all times. In keeping with this, the Creek Trails Home Owners Association (CTHOA) Board of Directors, per the authority granted by the bylaws of the association, is requiring homeowners to store trash cans and recycle bins out of sight of the front of their respective houses. Please see Articles X and XI in the “Declaration of Covenants, Conditions, and Restrictions” if you have any questions regarding these restrictions.

ENFORCEMENT PROCEDURE: Outlined below are the steps that will be employed to enforce the specific deed restriction or policy indicated.

Boat/Trailers/Mobile/Large Truck

- 1) A **letter** will be sent to the current homeowner or residence notifying him/her of the deed restriction violation and the fine assessment for continued non-compliance. This letter is to be sent by the CTHOA Board of Directors and this letter will include the names and phone numbers of the CTHOA board members so that the homeowner/resident may contact the board for discussing the violation.
- 2) If the current homeowner/resident has not contacted any board member within **10 days** from when the letter was mailed, a board member will attempt to contact the current homeowner/resident personally within **15 days** of when the letter was mailed with the intent of resolving the situation prior to fine assessment.
- 3) If said vehicle has not been removed from plain sight within **30 days**, a **\$100 fine** will be assessed against the property **EACH MONTH** until said vehicle is removed from plain sight. This fine will be communicated **EACH MONTH** to the homeowner/resident by the management company contracted by CTHOA. This company will keep a record of fines assessed and paid.
- 4) IF after **60 days** the vehicle has not been removed from plain sight, AND IT IS PARKED ON THE STREET OR IN ONE OF THE CUL-DE-SAC'S, then the board will have the vehicle

towed away by the City of Plano Police department at the owner's expense.

- 5) If after **60 days** the vehicle has not been removed and it is parked on the owner's homestead, fines will continue to be levied monthly until said vehicle is removed.
- 6) **Any fines incurred by the owner due to non-compliance and which go unpaid by the owner for a period of three months will constitute default by said owner and legal action will ensue to collect past fines to include TRW credit report and liens on owner's homestead.**

Trash Can/Recycle Bins

- 1) A **letter** will be sent to the current homeowner or resident notifying them of the deed restriction violation and the enforcement policy and fine assessment for continued non-compliance. This letter is to be sent by the CTHOA Board of Directors and this letter will include the names and phone numbers of the CTHOA board members so that the homeowner/resident may contact the board for discussing the violation.
- 2) If the trashcan/recycle bin has not been removed from plain sight within 10 days from receipt of the letter, a \$15 fine will be assessed against the property. Additional fines will be assessed every week thereafter for each non-compliance. The management company contracted by the CTHOA will communicate fines to the homeowner/resident. This company will keep a record of fines assessed and paid. Additionally, “the board, or authorized agents, shall have the power to enter the premises and perform such care and maintenance without liability for wrongful entry, trespass, or otherwise to any person,” (See Article X part 2. Enforcement in Deed of Restrictions). In other words, the board or authorized individuals are permitted to enter onto a homeowner's property and place the trash bin in the backyard out of plain view.
- 3) **Any fines incurred by the homeowner for non-compliance and which go unpaid for a period of 3 months will constitute default by said owner and legal action will ensue to collect past fines to include Experien credit report filling and liens on said owner's property.**

These actions have been adopted by the Board of Directors to ensure a safe, attractive neighborhood in compliance with the Deed of Restrictions. It is not our intent to create undue burden on homeowners, but the Board is bound by the Bylaws of the Association to enforce the Deed of Restrictions. If you are an individual in violation of one of these restrictions please remedy the situation as soon as possible to avoid any action being taken against you.

Note: The above Deed Restrictions have been in place since the beginning of the Creek Trails HOA