

**MARILYN ESTATES VIOLATION NOTIFICATION PROCESS
AND IMPLEMENTATION PROCEDURES
September 2023**

1. Violation Policy and Penalties: Any violation of the Declaration, Architectural Design Guidelines, Rules and Regulations, By-Laws or Fine Schedule of Marilyn Estates Association may result in the following enforcement action.
2. Violation Notice - a written Notice of Violation may be issued to the owner of the property, containing the notice requirements of Section 209.006 of the Texas Residential Property Owners Protection Act, chapter 209 of the Property Code. The notice shall be sent certified mail return receipt requested and by regular mail to the owner's last known address as shown on the association records. For a curable violation that does not present a threat to health or safety, no fine shall be imposed if the violation is cured within the period set forth in the notice. For a violation that is considered incurable, the notice shall set forth the fine amount, consistent with the association fine schedule. A violation is considered incurable if the violation has occurred but is not a continuous action or a condition capable of being remedied by affirmative action.
3. The Review Process:
 - a. If an owner desires a hearing to review a Notice of Violation the owner must send a written hearing request within 30 days of the date of the Notice of Violation to the email address of the President noted on the website of Marilyn Estates Association, or via regular mail to the mailing address of Marilyn Estates Association. The owner may include a statement setting forth the reason for the hearing request and/or each factual and legal error alleged in the Notice of Violation. The President shall call a meeting of three members of the Executive Committee within fifteen (15) days of the receipt of the request for a hearing as a First Board of Appeal. The hearing shall take place in executive session. The decision shall be by majority vote of the members of the Executive Committee in attendance at the hearing. The matter shall be identified only by an account number in the minutes of the meeting.

- b. If an owner is not satisfied with the decision of the Executive Committee and wishes to have a hearing before the full Board of Directors, the owner may file a written request for hearing within 30 days of the first hearing decision with the President at the email address noted on the website of the Marilyn Estates Association, or via regular mail to the mailing address of Marilyn Estates Association. The President shall call a meeting of the full Board of Directors within fifteen (15) days of the receipt of the hearing request to hold a final and binding hearing. The hearing shall take place in executive session. The decision shall be by majority vote of the members of the Board of Directors in attendance at the hearing. The matter shall be identified only by an account number in the minutes of the meeting. The decision of the Board is final and there are no further appeals.
- c. An owner may make an audio recording of a first hearing before the Executive Committee and/or of a final hearing before the Board of Directors.
- d. If any hearing cannot be concluded within the time set for that hearing, the hearing may be continued for a period of not to exceed thirty days upon request by either party.

4.. The Bylaws of Marilyn Estates Association has designated the Executive Committee of the Board of Directors as the Committee to hold a first hearing. The President shall appoint three members of the Executive Committee to hear a first appeal of a Notice of Violation. If the owner requests a second appeal to the Board of Directors, the members of the Executive Committee who served on the committee for the first hearing shall not serve on the Board for the second and final hearing.

5. The fine for a violation that may be cured, but remains uncured, shall be in accord with the fine schedule of the Marilyn Estates Association. The fine may be imposed after the expiration of the 30-day cure period stated in the Notice of Violation, and for the period during which the violation remains uncured. The fine may be imposed by written notice addressed to the owner at the owner's address of record provided to the association for mailing and shall be sent certified mail return receipt requested and regular mail.

6. The fine for an incurable violation shall be in accord with the Fine Schedule. The fine may be imposed by written notice addressed to the owner at the owner's address

of record provided to the association for mailing and shall be sent certified mail return receipt requested and regular mail.

7. Owner Responsibility for Payment of Fines. Violation by a resident, tenant, guest, or other person at the property of an owner shall be treated as a violation by the owner of the property. All monetary penalties will be billed to the owner's account and will be payable by the owner to the association within 30 days of the date of billing.

8. Fines Cumulative. All fines assessed shall be cumulative.

Approved and adopted by a majority vote of the Board of Directors of the Association at an open and duly noticed Board of Directors meeting on September 27, 2023.

IRA BLEIWEISS
President of Marilyn Estates Association

STATE OF TEXAS

COUNTY OF HARRIS

Before me, the undersigned authority, on this day personally appeared Ira Bleiweiss, President of Marilyn Estates Association, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he had executed the same as the act of said corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this _____ day of _____, 2023.

Notary Public, State of Texas