

**Lake Medina Shores Subdivision (LMSOA)**  
**COST OF ENFORCEMENT POLICY**

Effective on County Recording Date

**1. Any capitalized term** used in this Cost of Enforcement Policy (this "Policy") and not otherwise defined herein shall have the meaning ascribed to such term in the Lake Medina Shores Subdivision Restrictions.

**2. Covenants.** The Lake Medina Shores Subdivision Restrictions together with the Bylaws of the Association and all other rules and regulations of the Association, if any, are referred to herein as the "Covenants."

**3. Policy.** The Association wishes to discourage violations of the covenants, to encourage compliance when a violation occurs and reimburse the Association for any costs incurred for enforcement of the covenants—not punish violators or generate revenue for the Association.

**4. Owner's liability.** An Owner is liable for any cost of enforcement levied by the Association for violations of the covenants by the owner and the relatives, guests, employees, and agents of the owner and residents. Regardless of who performs the violation, the Association will direct its communications and the enforcement costs to the Owner.

**5. Violation Notice.** Before levying any enforcement costs against the Owner, the Association will give the Owner a written violation notice via USPS and an opportunity to be heard. This requirement may not be waived. The Association's written violation notice will contain the following items:

1. the date the violation notice is prepared or mailed;
2. a description of the violation;
3. a reference to the rule or provision that is being violated;
4. a description of the action required to cure the violation;
5. the amount of any costs to be imposed by the Association for the violation;
6. a statement that not later than the thirtieth (30th) day after the date of the violation notice, the Owner may request a hearing before the Board to contest any cost of enforcement to be imposed; and

7. the date the costs of enforcement attaches or begins accruing, subject to the following:

- a. New Violation. If the Owner was not given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, the notice will state a specific date by which the violation must be cured to avoid the cost of enforcement, if the violation is ongoing or continuous. If the violation is not ongoing, but is instead sporadic or periodic, the notice must state that any future violation of the same rule may result in the levy against the Owner of any cost of enforcement.
- b. Repeat Violation. In the case of a repeat violation, the notice will state that, because the Owner was given notice and a reasonable opportunity to cure a similar violation within the preceding six (6) months, all costs of enforcement imposed shall attach from the date of the violation notice.

**6. Violation Hearing.** An Owner may request, in writing via certified USPS mail, a hearing by the Board to contest any cost of enforcement which is to be or which has been levied against the Owner by the Association. To request a hearing before the Board, the Owner must submit a written request via USPS certified mail to the Association's Board at 7100 Whartons Dock Rd., Bandera, TX 78003 within thirty (30) days after the date of the violation notice.

Within fifteen (15) days after the Owner's request for a hearing, the Association will give the Owner at least fifteen (15) days' notice of the date, time, and place of the hearing. The hearing will be scheduled to provide a reasonable opportunity for both the Board and the Owner to attend. Pending the hearing, the Association may continue to exercise its other rights and remedies for the violation, as if the declared violation were valid. The Owner's request for a hearing suspends only the levy of an imposed enforcement cost. By request of the owner, the hearing will be held in an open or closed session of the Board.

At the hearing, the Board will consider the facts and circumstances surrounding the violation. The Owner may attend the hearing in person, or may be represented by another person or written communication. If an



Owner intends to make an audio recording of the hearing, such Owner's request for hearing shall include a statement noticing Owner's intent to make an audio recording of the hearing, otherwise no audio or video recording of the hearing may be made.

The minutes of the hearing must contain a statement of the results of the hearing and the cost of enforcement, if any, to be imposed. A copy of the violation notice and request for hearing should be placed in the minutes of the hearing. If the Owner appears at the meeting, the notice requirements will be deemed satisfied.

**7. Levy of Cost of Enforcement.** Within thirty (30) days after levying the cost of enforcement, the Board must give the Owner notice of the levied cost of enforcement. If the cost of enforcement is levied at the hearing at which the Owner is actually present, the notice requirement will be satisfied if the Board announces its decision to the Owner at the hearing. Otherwise, the notice must be in writing. In addition to the initial levy notice, the Association will give the Owner periodic written notices of an accruing cost of enforcement or the application of an Owner's payments to reduce the levied cost of enforcement. The periodic notices may be in the form of monthly statements or delinquency notices.

**8. Amount.** The Association may set the cost of enforcement amounts on a case by case basis, provided the cost of enforcement is reasonable in light of the nature, frequency, and effects of the violation and the costs incurred by the Association in addressing the particular violation of the covenants. The Association may establish a schedule of the cost of enforcement to be imposed for certain types of violations. If circumstances warrant a variance from the schedule, the board will document the reasons for the variance in the minutes of the meeting. The amount and cumulative total of any cost of enforcement to be imposed must be reasonable in comparison to the violation, and should be uniform for similar violations of the same provisions of the covenants. If the Association allows any cost of enforcement imposed to accumulate, it will establish a maximum amount for any particular cost of enforcement, at which point the total cost of enforcement will be capped.

**9. General Schedule.** The Board has adopted the following general schedule of the cost of enforcement to be imposed by the Association for a violation of the covenants.

Also, the Board reserves the right to set any cost of enforcement amount on a case by case basis, provided the cost of enforcement is reasonable in light of the nature, frequency, and effects of the violation:

LMSOA LEVY SCHEDULE		1-45 days	46-60 days	61-90 days	91-120 days	Day 121 and over
#	Covenant	Warning Letter and Opportunity to be Heard	Levy 1	Levy 2	Levy 3	Legal Action & Levy
1	Single Family Residential use only. Multi-tenant or multi-unit use is prohibited.	Warning Letter and Opportunity to be Heard	\$50.00	\$100.00	\$50.00/day	\$100.00/day plus legal action
2	Permitted septic system (OSSF) required prior to occupancy. Septic system must be permitted and inspected by the County.	Warning Letter and Opportunity to be Heard	\$500.00	\$1,000.00	\$100.00/day	\$200.00/day plus legal action
3	RVs or similar vehicles cannot be used for full-time occupancy or as a substitute for a permitted (OSSF) septic system.  RVs must not exceed length requirements.	Warning Letter and Opportunity to be Heard	\$50.00	\$100.00	\$50.00/day	\$100.00/day plus legal action
4	Improvements must meet minimum square footage and other requirements and must be approved in writing by the ACC.	Warning Letter and Opportunity to be Heard	\$50.00	\$100.00	\$50.00/day	\$100.00/day plus legal action
5	Structures must be recent models and in good	Warning Letter and Opportunity	\$500.00	\$1,000.00	\$100.00/day	\$200.00/day plus legal action



	repair. No old and damaged structures, trailers, mobile homes, RVs or similar shall be moved into LMSOA.	to be Heard				
6	No accumulation of trash, machinery, old appliances, construction materials or debris or similar items.	Warning Letter and Opportunity to be Heard	\$50.00	\$100.00	\$50.00/day	\$100.00/day plus legal action
7	No inoperable vehicles including boats. No blocking easements with vehicles, trailers, or obstructions.	Warning Letter and Opportunity to be Heard	\$50.00	\$100.00	\$50.00/day	\$100.00/day plus legal action
8	No farm animals.	Warning Letter and Opportunity to be Heard	\$50.00	\$100.00	\$50.00/day	\$100.00/day plus legal action
9	No encroaching, trespassing, squatting, illegal tree cutting or land clearing.	Warning Letter and Opportunity to be Heard	\$1,000.00	\$1,500.00	\$200.00/day	\$200.00/day plus legal action
10	Must submit plans to ACC and get approval prior to improvements. Must follow approved ACC plans as submitted and approved.	Warning Letter and Opportunity to be Heard	\$50.00	\$100.00	\$50.00/day	\$100.00/day plus legal action
11	Changing drainage or damaging the roads.	Warning Letter and Opportunity to be Heard	\$50.00	\$100.00	\$50.00/day	\$100.00/day plus legal action
12	NO verbal or physical threats of LMSOA Board, Staff or agents acting on behalf of LMSOA.	\$250.00 for the each instance and possible civil or criminal legal action.				

**10. Type of Levy.** If the violation is ongoing or continuous, a cost of enforcement may be levied on a periodic basis (such as daily, monthly, or

quarterly) to be determined by the board, beginning on the date the cost of enforcement attaches or begins accruing. If the violation is not ongoing, but is instead sporadic or periodic, the cost of enforcement may be levied on a per occurrence basis.

**11. Collection of Cost of Enforcement.** The Association is not entitled to collect a Cost of Enforcement from an Owner to whom it has not given notice and an opportunity to be heard.

The Association may foreclose on a lien that is composed of both past due assessments and cost of enforcement levies. The Association may not foreclose its assessment lien on a debt consisting solely of cost of enforcement amounts.

The Association may not charge interest or late fees for any unpaid cost of enforcement.

**12. Amendment of Policy.** This Policy may be revoked or amended from time to time by the Board. This Policy will remain effective until ten (10) days after the Association delivers to an Owner of each Lot notice of amendment or revocation of this Policy. The notice may be published and distributed in an Association newsletter or other community-wide publication.

This policy will not expire unless expressly repealed by a majority vote of the Board of Directors in an open meeting with proper notice.

This policy is effective upon recordation in the Public Records of Bandera County, Texas, and shall supersede any policy regarding cost of enforcement which may have previously been in effect.

Approved and adopted by the Board on this 24 day of Dec, 2024.

Leon Wehr

Leon Wehr, Director of the Board of Lake Medina Shores Owners' Association. Leon Wehr

STATE OF TEXAS §

COUNTY OF BANDERA §

*Wehr* Before me, the undersigned authority, on this day personally appeared <sup>Leon</sup>~~Les~~ Blankenship, Director of the Board of Lake Medina Shores Owners' Association, a Texas nonprofit corporation, known to be the person and office 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.

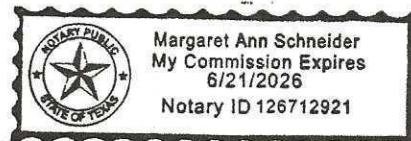
Given under my hand and seal of office this 24 day of December 2024.

*Margaret Ann Schneider*

Notary Public, State of Texas

*Margaret Ann Schneider*

Printed Name



My commission expires: 6-21-2026

Hand Delivered To:  
*Maggie Schneider*

Filed for Record in:  
Bandera County

On: Dec 26, 2024 at 10:32A

As a  
Recording

Document Number: 00267537

Amount 49.00

Receipt Number - 180027

By:  
Paula Flach

Any provision herein which restricts the sole rental or use of the described real property because of color or race is invalid and unenforceable under Federal Law.

COUNTY OF BANDERA

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the official records of: Bandera County as stamped hereon by me.

Dec 26, 2024

Tandie Mansfield, County Clerk  
Bandera County