

BellaVita HOA Board Policy 2010-003

Approved March 17, 2010

Subject: Damages to BellaVita Homeowners' Association properties and facilities

Introduction:

- 1) Recently, damages have occurred to HOA property and facilities that resulted in extra costs to the HOA which is ultimately paid for by all homeowners.
- 2) Homeowners should not bear the cost of damages resulting from other owner's accidents and neglect.
- 3) Section 1 of Article XII of the Covenants, Conditions, and Restrictions (CC&R) of BellaVita at Green Tee provide for the homeowners to comply with the rules and regulations of the HOA and also for the assessment/billing and collections for damages to BV HOA property by a homeowner or neglect in conforming to Article VI, Use Restrictions and Rules of the CC&R. This policy provides more detail relative to those articles.
- 4) Chapter 204, Article X of the Texas Property code provides for the capability of an organization to recover damages to property.

The policy of the board of directors for damages to BV HOA property is as follows:

- A. As provided for in the CC&R for BellaVita a homeowner shall be responsible for damages to and may be billed for repair and collections processes initiated for damages to BV HOA common property and facilities which occur as a result of accident, abuse, or neglect of the owner, their guest, or their renter/leaser and shall include any fees or legal costs required for the collection of damages as provided in the CC&R. These areas shall be as detailed in the CC&R definitions, Article I. By further elaboration some of these areas are, but are not limited to, buildings, fences, landscaping, streets and curbs, pool and spa, lakes and fountains, furniture within the facilities and on the grounds, manual and mechanical gate systems, gate house, street signs and lighting, parking lots, and electronic systems including computers, TV's and audio/visual systems. It is the HOA Boards intent to monitor, enforce and collect payment for such damages and the board may utilize a management company to assist in this effort.
- B. Any homeowner or other person so cited by the BVHOA for one of these infractions has the right to appeal to the BVHOA Board within 30 days of receiving the citation. The BVHOA Board will be the final authority for resolution of the appeal.
- C. Typical fee schedule as a minimum for some selected items is:
Minor gate damage repairable by BVHOA employee = \$50.00

Major gate damage = cost of repair by BVHOA contractor plus \$25.00 administration fee.

Furniture & fixtures damage = cost of replacement item plus \$25.00 administration fee.

Facilities and landscape damage = cost of outside contractor repair and/or plant replacement plus \$25.00 administration fee.