

**DEED RESTRICTION ENFORCEMENT POLICY**  
*for*  
**AUBURN LAKES HOMEOWNERS ASSOCIATION, INC.**

THE STATE OF TEXAS     §  
  §  
COUNTY OF HARRIS     §

I, Douglas J. Eibsen, President of Auburn Lakes Homeowners Association, Inc. (the "Association"), do hereby certify that at a meeting of the Board of Directors of the Association ("Board") duly called and held on the 15<sup>th</sup> day of February, 2013, with at least a quorum of the Board members being present and remaining throughout, and being duly authorized to transact business, the following Deed Restriction Enforcement Policy was duly approved by a majority vote of the members of the Board.

**RECITALS:**

1. The Board has the authority to enforce the provisions of the Declaration applicable to Auburn Lakes.
2. The Board desires to adopt a Deed Restriction Enforcement Policy consistent with the Dedicatory Instruments of the Association and state law.

**WITNESSETH:**

It is the policy of the Association to enforce the provisions of the Declaration applicable to Auburn Lakes regarding deed restriction enforcement in accordance with the following policy:

**Section 1. Definitions.** Capitalized terms used in this Policy have the following meanings:

**1.1. Auburn Lakes** - shall mean the following:

- Village at Auburn Lakes, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 544099 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Village of Auburn Lakes, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 579014 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Estates, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 591094 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

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- Auburn Lakes Estates, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 633201 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20060087618 and Film Code No. 604288 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20060087619 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section Three (3), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 618221 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section Four (4), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 633204 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Pines, Section Five (5), a Harris County subdivision according to the map or plat thereof recorded in Volume 645, Page 183 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Reserve, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20060087620 and Film Code No. 604294 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Reserve, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20070379873 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Reserve, Section Three (3), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20080450819 and Film Code No. 625190

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in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

- Auburn Lakes Reserve, Section Four (4), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 643200 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Reserve, Section Five (5), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 648250 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section One (1), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. Z310990 and Film Code No. 600173 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section Two (2), a Harris County subdivision according to the map or plat thereof recorded under County Clerk's File No. 20070567334 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section Three (3), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 619087 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section Four (4), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 642161 of the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.
- Auburn Lakes Retreat, Section Five (5), a Harris County subdivision according to the map or plat thereof recorded under Film Code No. 648244 in the Map Records of Harris County, Texas and all amendments to or replats of said maps or plats, if any.

**1.2. Declaration(s)** - shall mean the following:

a. Documents:

- (1) Declaration of Covenants, Conditions and Restrictions for Village at Auburn Lakes, Section One.
- (2) Declaration of Covenants, Conditions and Restrictions for Village of Auburn Lakes, Section Two.

- (3) Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Estates.
- (4) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Estates, Section Two (2) a Subdivision in Harris County, Texas.
- (5) First Amendment to Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Estates, Section Two (2) a Subdivision in Harris County, Texas.
- (6) Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Pines.
- (7) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Pines, Section Three (3) a Subdivision in Harris County, Texas.
- (8) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Pines, Section Four (4) a Subdivision in Harris County, Texas.
- (9) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Pines, Section Five (5) a Subdivision in Harris County, Texas.
- (10) Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve.
- (11) First Amendment to Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve.
- (12) Second Amendment to Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve.
- (13) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Two (2) a Subdivision in Harris County, Texas.
- (14) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Three (3) a Subdivision in Harris County, Texas.
- (15) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Four (4) a Subdivision in Harris County, Texas.
- (16) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Reserve, Section Five (5) a Subdivision in Harris County, Texas.
- (17) Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat.
- (18) First Amendment to Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat.
- (19) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat, Section Two (2) a Subdivision in Harris County, Texas.
- (20) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat, Section Three (3) a Subdivision in Harris County, Texas.
- (21) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat, Section Four (4) a Subdivision in Harris County, Texas.

- (22) Annexation and Supplemental Declaration of Covenants, Conditions and Restrictions for Auburn Lakes Retreat, Section Five (5) a Subdivision in Harris County, Texas.

b. Recording Information:

- (1) Harris County Clerk's File No. X202143.
- (2) Harris County Clerk's File No. Y579682.
- (3) Harris County Clerk's File No. Y889494.
- (4) Harris County Clerk's File No. 20100177800.
- (5) Harris County Clerk's File No. 20110535406.
- (6) Harris County Clerk's File No. 20060180454.
- (7) Harris County Clerk's File No. 20080037801.
- (8) Harris County Clerk's File No. 20100154886.
- (9) Harris County Clerk's File No. 20120162826.
- (10) Harris County Clerk's File No. 20060120160 and re-filed under County Clerk's File No. 20060162866.
- (11) Harris County Clerk's File No. 20070234119.
- (12) Harris County Clerk's File No. 20070613068.
- (13) Harris County Clerk's File No. 20070526885.
- (14) Harris County Clerk's File No. 20080508040.
- (15) Harris County Clerk's File No. 20110535407.
- (16) Harris County Clerk's File No. 20120514849.
- (17) Harris County Clerk's File No. Z506141.
- (18) Harris County Clerk's File No. 20070722660.
- (19) Harris County Clerk's File No. 20070673316.
- (20) Harris County Clerk's File No. 20080136278.
- (21) Harris County Clerk's File No. 20110401062.
- (22) Harris County Clerk's File No. 20120514848.

Any subsequent amendments and supplements.

**1.3. Dedicatory Instruments** - Each document governing the establishment, maintenance or operation of the properties within Auburn Lakes, as more particularly defined in Section 202.001 of the Texas Property Code.

**1.4. Deed Restrictions** - The covenants, conditions and restrictions set forth in the Declaration.

Other capitalized terms used herein have the same meanings as that ascribed to them in the Declarations.

**Section 2. Owner's Address.** It is the responsibility of each Owner of a Lot in Auburn Lakes to provide the Owner's mailing address to the Association and to promptly notify the Association in the event the Owner's mailing address changes. Notice of the Owner's mailing address or a change of the Owner's mailing address must be provided to the Association in writing. Unless the Association is otherwise notified in writing, the Owner's mailing address shall be deemed to be the address of the Owner's property in Auburn Lakes or the last alternative mailing address provided to the Association by the Owner in writing. All notices to an Owner pursuant to this Policy shall be mailed to the Owner at the Owner's last known mailing address. If mail to an Owner is returned undelivered, or the Association otherwise reasonably

determines that the last known mailing address of the Owner may not be valid, the Association shall have the right, but not the obligation, to conduct a title search or other searches for the purpose of attempting to either verify the Owner's current mailing address or obtain the Owner's current mailing address. Any costs incurred by the Association to verify an Owner's current mailing address or obtain an Owner's current mailing address shall be, to the extent permissible under the Association's Dedicatory Instruments and state law, charged to the Owner. Enforcement action may not cease merely because a notice or notices to an Owner is/are returned by the Post Office. Further, the obligation of an Owner to comply with the Deed Restrictions is not excused on the basis that the Owner failed to receive one or more notices from the Association.

**Section 3. Violation Notices.** Upon inspection and the determination that a Deed Restriction violation exists on a Lot, the Association shall send the following notices, as necessary:

- 3.1. **First Letter.** A written notice shall be sent to the Owner of the Lot by regular mail. The notice shall describe the violation and request the correction of the violation within a stated period of time. The notice shall further indicate that, if additional time is required to correct the violation, the Owner should contact the Association to explain the reason(s) why additional time to correct the violation is necessary and to request an extension.
- 3.2. **Second Notice.** If (i) the Owner has not contacted the Association to obtain an extension of time to correct the violation and the time set forth in the First Letter has expired or (ii) the Owner obtained an extension of time to correct the violation and the extended period of time has expired, and, upon inspection, the Association determines that the violation described in the First Letter has not been corrected, the Association shall send a Second Letter to the Owner by certified mail, return receipt requested. The notice shall:
- (a) describe the violation;
  - (b) inform the Owner that the Owner:
    - (1) is entitled to a reasonable period to correct the violation and avoid further enforcement action;
    - (2) may request a hearing before the Board on or before the 30<sup>th</sup> day after the date the Owner receives the Second Letter; and
    - (3) may have special rights or relief related to enforcement action under federal law, including Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 *et seq.*), if the Owner is serving on active military duty.

A request for a hearing before the Board must be submitted by the Owner to the Association in writing.

- 3.3. **Action After Second Letter.** If (i) a hearing before the Board is not requested by the Owner and the thirty (30) day period to request a hearing has expired or (ii) a hearing is requested by the Owner, the hearing is held, and the Board confirms the violation, and upon inspection, the Association determines that the violation described in the Second Letter has not been corrected, the Board shall determine at its next meeting whether to refer the violation to the Association's attorney or take some alternative action. A photograph of the violation will be taken and provided to the Board at the meeting at which it considers whether to refer the violation to the Association's attorney.

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3.4. **Referral to the Association's Attorney.** If the violation is referred to the Association's attorney, the attorney shall send a demand for compliance to the Owner. The violation shall remain on the Association's inspection list until the violation is finally resolved. Once referred to the Association's attorney, the Owner shall be required to communicate with the Association's attorney on all matters related to the violation. Attorney's fees and costs incurred by the Association after referring the violation to the Association's attorney shall be charged to the Owner to the extent permissible under the Association's Dedicatory Instruments and state law.

3.5. **Recurring Violations.**

- a. If the same or a substantially similar violation occurs on a Lot within twelve (12) months of the date of a Second Letter to the Owner of the Lot, the Board may opt to forego sending the First Letter to the Owner and proceed immediately with a Second Letter.
- b. If the same or a substantially similar violation occurs on a Lot within six (6) months of the date of a Second Letter to the Owner of the Lot, the Board may opt to forego sending the First Letter and/or Second Letter to the Owner and refer the matter to the Association's attorney for a demand letter.

**Section 4. Violations Necessitating Immediate Legal Action.** If the Board of the Association determines that the type or severity of a violation necessitates a suit seeking a temporary restraining order or temporary injunction relief, the Association may forego sending the notices set forth in Section 3, above, including the notice and opportunity to request a hearing before the Board.

**Section 5. Leased Properties.** If the residential dwelling on a Lot is leased and the Owner of the Lot has provided to the Association the name of the Owner's lessee, copies of the First Letter and the Second Letter shall also be sent to the lessee. Provided that, the Board may, but shall not be obligated to, provide a hearing to a lessee. If the violation is referred to the Association's attorney, copies of further notices shall be sent to the lessee as determined by the Association's attorney to be necessary or appropriate.

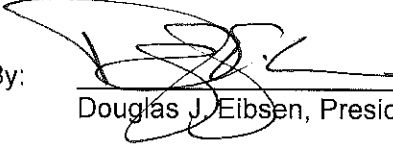
**Section 6. Notices to the Association.** All written communications sent to the Association must be sent to the address of the Association or its management company set forth in the First Letter or Second letter or to the Association's mailing address as reflected on the latest Management Certificate filed of record.

**Section 7. Action to Correct a Violation by the Association.** The Association shall at all times have the authority to correct a violation on a Lot in accordance with the express provisions of the Declaration, including, without limitation, the authority to go onto a Lot, after written notice, to mow, edge and otherwise maintain a Lot.

I hereby certify that I am the duly elected, qualified and acting President of the Association and that the foregoing Deed Restriction Enforcement Policy was approved by a majority vote of the Board of Directors as set forth above and now appears in the books and records of the Association, to be effective upon recording in the Official Public Records of Real Property of Harris County, Texas.


To certify which witness my hand this the 15<sup>th</sup> day of February, 2013.

AUBURN LAKES HOMEOWNERS ASSOCIATION, INC.

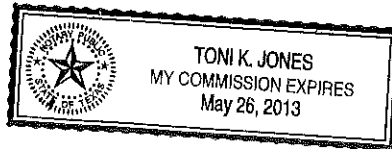
By:   
Douglas J. Eibsen, President

THE STATE OF TEXAS           §  
  §  
COUNTY OF Harris           §

BEFORE ME, the undersigned notary public, on this 15<sup>th</sup> day of February, 2013 personally appeared Douglas J. Eibsen, President of Auburn Lakes Homeowners Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and in the capacity therein expressed.

  
Notary Public in and for the State of Texas

Return To:  
Butler | Hailey  
8901 Gaylord, Suite 100  
Houston, Texas 77024



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**FILED**

2013 MAR 12 PM 2:57

*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF HARRIS  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas.

MAR 12 2013



*Stan Stewart*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

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